《香港民航 (意外調查) 規例》
(第 448 章，附屬法例 B)

Hong Kong Civil Aviation (Investigation of Accidents) Regulations
(Cap. 448 sub. leg. B)

版本日期
Version date
21.5.2026

經核證文本
Verified Copy

(《法例發布條例》(第 614 章) 第 5 條)
(Legislation Publication Ordinance (Cap. 614), section 5)

如某內頁的頁底標明：
- “經核證文本”；及
- 以下列表顯示的該頁的最後更新日期，

該頁所載條文即視作於上述 “版本日期” 的正確版本。

此文本所載條文，如並非正在實施，會有附註作說明。

A provision is presumed to be correctly stated as at the above version date if it is on a page marked at the bottom with:
- the words “Verified Copy”; and
- the last updated date shown in this table for the page.

Any provision included in this copy that is not in force is marked accordingly.

條文 Provision	頁數 Page number	最後更新日期 Last updated date
第 I 部 Part I	1-1—1-16	25.7.2025
第 II 部 Part II	2-1—2-26	25.7.2025
第 IIA 部 Part IIA	2A-1—2A-8	25.7.2025
第 III 部 Part III	3-1—3-12	25.7.2025
第 IV 部 Part IV	4-1—4-18	25.7.2025
第 IVA 部 Part IVA	4A-1—4A-8	25.7.2025
第 V 部 Part V	5-1—5-4	25.7.2025

條文 Provision	頁數 Page number	最後更新日期 Last updated date
第 VI 部 Part VI	6-1—6-4	13.12.2018
第 VII 部 Part VII	7-1—7-4	21.5.2026

尚未實施的條文 / 修訂 ——

尚未實施的條文及修訂的資料，可於「電子版香港法例」(https://www.elegislation.gov.hk) 閱覽。

附註 ——

有關《立法會決議》(2007 年第 130 號法律公告) 所作之修訂的保留及過渡性條文，見載於該決議第 (12) 段。

Provisions / Amendments not yet in operation —

Please see Hong Kong e-Legislation (https://www.elegislation.gov.hk) for information of provisions and amendments not yet in operation.

Remarks —

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

制定史

本為 1983 年第 333 號法律公告 —— 1983 年編正版，1997 年第 (C)167 號法律公告 (中文真確本)，1997 年第 362 號法律公告，1998 年第 25 號，1999 年第 36 號，2000 年第 326 號法律公告，2003 年第 14 號，2004 年第 125 號法律公告，2007 年第 130 號法律公告，2017 年第 115 號法律公告，2018 年第 5 號編輯修訂紀錄，2022 年第 144 號法律公告，2024 年第 164 號法律公告，2025 年第 84 號法律公告，2026 年第 1 號編輯修訂紀錄

Enactment History

Originally L.N. 333 of 1983 — R. Ed. 1983, L.N. (C) 167 of 1997 (Chinese authentic version), L.N. 362 of 1997, 25 of 1998, 36 of 1999, L.N. 326 of 2000, 14 of 2003, L.N. 125 of 2004, L.N. 130 of 2007, L.N. 115 of 2017, E.R. 5 of 2018, L.N. 144 of 2022, L.N. 164 of 2024, L.N. 84 of 2025, E.R. 1 of 2026

《香港民航 (意外調查) 規例》

(第 448 章，附屬法例 B)

目錄

條次		頁次
	第 I 部 導言	
1.	引稱	1-1
2.	釋義	1-1
2A.	*意外*的涵義	1-11
3.	適用範圍	1-13
4.	調查的目標	1-15
	第 II 部 意外及事故調查	
5.	意外及事故的通知	2-1
6.	與意外及事故有關的資料	2-11
7.	接觸和移走損壞飛機	2-11
8.	調查主任	2-13
9.	調查主任的權力	2-15
10.	調查	2-19
10A.	調查報告	2-21

Hong Kong Civil Aviation (Investigation of Accidents) Regulations

(Cap. 448 sub. leg. B)

Contents

Regulation		Page
	Part I Preliminary	
1.	Citation	1-2
2.	Interpretation	1-2
2A.	Meaning of *accident*	1-12
3.	Application	1-14
4.	Objective of investigation	1-16
	Part II Investigation of Accidents and Incidents	
5.	Notice of accidents and incidents	2-2
6.	Information relating to accidents and incidents	2-12
7.	Access to and removal of damaged aircraft	2-12
8.	Inspectors	2-14
9.	Power of Inspectors	2-16
10.	Investigation	2-20
10A.	Investigation report	2-22

條次		頁次
11.	報告的通知及申述	2-23
	第 IIA 部 締約國參與調查的權利，以及在某些有人死亡或嚴重損傷的意外方面的權利	
11A.	締約國可委任授權代表參與調查	2A-1
11B.	根據第 11A(1) 條獲委任的授權代表的權利及義務	2A-1
11C.	委任顧問以協助根據第 11A(1) 條獲委任的授權代表	2A-5
11D.	締約國就涉及其公民的意外所具有的權利	2A-5
	第 III 部 覆核委員會	
12.	覆核通知	3-1
13.	覆核委員會的委任	3-3
14.	覆核委員會的聆訊程序	3-5
15.	報告的發表	3-9
16.	重新進行調查或覆核	3-11
	第 IV 部 公開研訊	
17.	公開研訊的進行	4-1

Regulation		Page
11.	Notice of report and representations	2-24
	Part IIA Rights of Contracting States to Participate in Investigations and in respect of Certain Accidents with Fatalities or Serious Injuries	
11A.	Contracting States may appoint accredited representatives to participate in investigations	2A-2
11B.	Rights and obligations of accredited representatives appointed under regulation 11A(1)	2A-2
11C.	Appointment of advisers to assist accredited representatives appointed under regulation 11A(1)	2A-6
11D.	Contracting States' rights as regards accidents involving their citizens	2A-6
	Part III Board of Review	
12.	Notice of review	3-2
13.	Appointment of board of review	3-4
14.	Proceedings of board of review	3-6
15.	Publication of reports	3-10
16.	Reopening of investigation or review	3-12
	Part IV Public Inquiries	
17.	Holding of public inquires	4-2

條次		頁次
18.	公開研訊的程序	4-7
18A.	締約國可委任授權代表參與公開研訊	4-11
18B.	根據第 18A(1) 條獲委任的授權代表的權利及義務	4-11
18C.	委任顧問以協助根據第 18A(1) 條獲委任的授權代表	4-13
19.	重新聆訊公開研訊	4-15
	第 IVA 部 總調查主任參與外地調查的權利，以及在某些有人死亡或嚴重損傷的意外方面的權利	
19A.	第 IVA 部的釋義	4A-1
19B.	總調查主任可委任授權代表參與外地調查	4A-1
19C.	總調查主任委任的授權代表的權利及義務	4A-3
19D.	總調查主任委任顧問	4A-5
19E.	香港就涉及指明人士的外地意外所具有的權利	4A-7
	第 V 部 一般規定	

Regulation		Page
18.	Proceedings of public inquires	4-8
18A.	Contracting States may appoint accredited representatives to participate in public inquiries	4-12
18B.	Rights and obligations of accredited representatives appointed under regulation 18A(1)	4-12
18C.	Appointment of advisers to assist accredited representatives appointed under regulation 18A(1)	4-14
19.	Rehearing of public inquiries	4-16
	Part IVA Rights of Chief Inspector to Participate in Non-Hong Kong Investigations and in respect of Certain Accidents with Fatalities or Serious Injuries	
19A.	Interpretation of Part IVA	4A-2
19B.	Chief Inspector may appoint accredited representatives to participate in non-Hong Kong investigations	4A-2
19C.	Rights and obligations of accredited representatives appointed by Chief Inspector	4A-4
19D.	Appointment of advisers by Chief Inspector	4A-6
19E.	Hong Kong’s rights as regards non-Hong Kong accidents involving specified persons	4A-8
	Part V General	

條次		頁次
20-21.	*(廢除)*	5-1
22.	妨礙調查	5-1
23.	撤銷	5-3
	第 VI 部 過渡條文 ——《2017 年香港民航 (意外調查)(修訂) 規例》(2017 年第 115 號法律公告)	
24.	未完成程序	6-1
	第 VII 部 過渡條文 ——《2024 年香港民航 (意外調查)(修訂) 規例》	
25.	第 VII 部的釋義	7-1
26.	《經修訂的規例》第 5 條的適用範圍	7-1
27.	《經修訂的規例》第 11 條的適用範圍	7-1
28.	《經修訂的規例》第 22 條的適用範圍	7-3

Regulation		Page
20-21.	*(Repealed)*	5-2
22.	Obstruction of investigation	5-2
23.	Revocation	5-4
	Part VI Transitional Provision—Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2017 (L.N. 115 of 2017)	
24.	Incomplete procedures	6-2
	Part VII Transitional Provisions—Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2024	
25.	Interpretation of Part VII	7-2
26.	Application of regulation 5 of amended Regulations	7-2
27.	Application of regulation 11 of amended Regulations	7-2
28.	Application of regulation 22 of amended Regulations	7-4

《香港民航 (意外調查) 規例》

(格式變更 ——2018 年第 5 號編輯修訂紀錄)

(第 448 章第 12 及 13 條)

[1983 年 10 月 21 日]

編輯附註：
本規例本為根據因《1949 年民航法令 1969 年 (海外地區) 令》*(S.I. 1969/592 U.K.) 而適用於香港的《1949 年民航法令》**(1949 c. 67 U.K.) 第 10 條而訂立。參看 1994 年制定的《民航條例》(第 448 章) 第 12 及 13 條。
* "《1949 年民航法令 1969 年 (海外地區) 令》" 乃 "Civil Aviation Act 1949 (Overseas Territories) Order 1969" 之譯名。
** "《1949 年民航法令》" 乃 "Civil Aviation Act 1949" 之譯名。

第 I 部

導言

(格式變更 ——2018 年第 5 號編輯修訂紀錄)

1. 引稱

本規例可引稱為《香港民航 (意外調查) 規例》。

2. 釋義

(1) 在本規例中，除文意另有所指外 ——

主事調查主任 (Inspector-in-charge) 就 ——

(a) 由總調查主任親自負責進行的調查而言 —— 指總調查主任；或

Hong Kong Civil Aviation (Investigation of Accidents) Regulations

(Format changes—E.R. 5 of 2018)

(Cap. 448, sections 12 and 13)

[21 October 1983]

Editorial Note:
These regulations were originally made under section 10 of the Civil Aviation Act 1949 (1949 c. 67 U.K.), as applied to Hong Kong by the Civil Aviation Act 1949 (Overseas Territories) Order 1969 (S.I. 1969/592 U.K.). See now sections 12 and 13 of the Civil Aviation Ordinance (Cap. 448), enacted in 1994.

Part I

Preliminary

(Format changes—E.R. 5 of 2018)

1. Citation

These regulations may be cited as the Hong Kong Civil Aviation (Investigation of Accidents) Regulations.

2. Interpretation

(1) In these regulations, unless the context otherwise requires—

accident (意外)—see regulation 2A; *(L.N. 115 of 2017)*

accident investigation authority (意外調查當局) means the authority designated by the government of a country, territory

(b) 由根據第 8(6) 條獲指派的調查主任負責進行的調查而言——指該調查主任；*(2017 年第 115 號法律公告)*

安全建議 (safety recommendation) 指意外調查當局作出的、符合以下說明的建議 ——

(a) 該建議的基礎，是取自某項調查或其他來源 (包括安全研究) 的資料；及

(b) 作出該建議的用意，是避免意外或事故；*(2024 年第 164 號法律公告)*

事故 (incident) 指不屬意外的事件，而該事件與飛機的操作有關，並影響或能夠影響該飛機的操作的安全；*(2017 年第 115 號法律公告)*

促成因素 (contributing factor) 的涵義如下：如消除、避免或不曾有某行動、不作為、事件、條件或上述項目的組合，本會 ——

(a) 降低有關意外或事故的發生概率；或

(b) 減輕有關意外或事故後果的嚴重性，

則該行動、不作為、事件、條件或組合即屬***促成因素***；*(2024 年第 164 號法律公告)*

飛機 (aircraft) 指可憑空氣的反作用 (空氣對於地面的反作用除外) 而在大氣中獲得支承力的機器；*(2024 年第 164 號法律公告)*

原因 (cause) 指導致意外或事故發生的行動、不作為、事件、條件或上述項目的組合；*(2024 年第 164 號法律公告)*

處長 (Director) 指民航處處長、民航處副處長及民航處任何助理處長；

設計國 (State of Design) 就所屬型號是由某組織設計的飛機而言，指對該組織具有司法管轄權的國家、地區或地方；*(2024 年第 164 號法律公告)*

註冊國 (State of Registry) 就某飛機而言，指該飛機註冊所在的國家、地區或地方；*(2024 年第 164 號法律公告)*

or place to be responsible for the investigation of aircraft accidents and incidents; *(L.N. 115 of 2017)*

aerodrome authority (機場主管當局) means, in relation to any aerodrome, the person (whether the Director or any other person) by whom the aerodrome is managed;

aircraft (飛機) means a machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface; *(L.N. 164 of 2024)*

cause (原因) means an action, omission, event or condition, or a combination of them, that has led to the occurrence of an accident or incident; *(L.N. 164 of 2024)*

Chief Inspector (總調查主任) means the Chief Inspector appointed under regulation 8; *(L.N. 115 of 2017)*

Contracting State (締約國) means a country, territory or place other than Hong Kong to which the Chicago Convention applies; *(L.N. 164 of 2024)*

contributing factor (促成因素) means an action, omission, event or condition, or a combination of them, that, if eliminated, avoided or absent, would have—

(a) reduced the probability of the accident or incident occurring; or

(b) mitigated the severity of the consequences of the accident or incident; *(L.N. 164 of 2024)*

crew (機員) includes every person employed or engaged in an aircraft in flight on the business of the aircraft;

Director (處長) means the Director-General of Civil Aviation, the Deputy Director-General of Civil Aviation and any Assistant Director-General of Civil Aviation; *(L.N. 326 of 2000)*

意外 (accident)—— 參閱第 2A 條；*(2017 年第 115 號法律公告)*

意外調查當局 (accident investigation authority) 指獲某國家、地區或地方的政府指定，負責調查飛機意外及事故的有關當局；*(2017 年第 115 號法律公告)*

經營人 (operator)，就任何飛機而言，指當其時對該飛機有管理權的人；

經營人所在國 (State of the Operator) 就某飛機而言，指 ——

(a) 該飛機的經營人的主要營業地點所在的國家、地區或地方；或

(b) 如沒有上述營業地點 —— 該經營人永久居留的國家、地區或地方；*(2024 年第 164 號法律公告)*

製造國 (State of Manufacture) 就某飛機而言，指對負責以下工序的組織具有司法管轄權的國家、地區或地方 ——

(a) 該飛機的最後組裝；或

(b) 該飛機的引擎或推進器的最後組裝；*(2024 年第 164 號法律公告)*

締約國 (Contracting State) 指《芝加哥公約》適用的、除香港以外的國家、地區或地方；*(2024 年第 164 號法律公告)*

調查 (investigation) 指為避免意外及事故而進行的、包括以下事宜的程序 ——

(a) 收集和分析資料；

(b) 作出結論，包括斷定 ——

(i) 意外或事故的原因；或

(ii) 意外或事故的促成因素；及

(c) 在適當時，作出安全建議；*(2024 年第 164 號法律公告)*

調查主任 (Inspector) 指根據第 8(1) 條獲委任為調查主任的人；*(2017 年第 115 號法律公告)*

機主 (owner) 就已註冊的飛機而言，指註冊機主；

incident (事故) means an occurrence, other than an accident, associated with the operation of an aircraft that affects or could affect the safety of the operation; *(L.N. 115 of 2017)*

Inspector (調查主任) means a person appointed as an Inspector under regulation 8(1); *(L.N. 115 of 2017)*

Inspector-in-charge (主事調查主任), in relation to an investigation, means—

(a) if the Chief Inspector is in charge of carrying out the investigation himself or herself—the Chief Inspector; or

(b) the Inspector directed under regulation 8(6) to be in charge of carrying out the investigation; *(L.N. 115 of 2017)*

investigation (調查) means a process conducted for the purposes of accident and incident prevention that includes—

(a) gathering and analyzing any information;

(b) drawing conclusions, including determining—

(i) the causes of an accident or incident; or

(ii) the contributing factors of an accident or incident; and

(c) when appropriate, making any safety recommendations; *(L.N. 164 of 2024)*

operator (經營人) in relation to an aircraft means the person for the time being having the management of that aircraft;

owner (機主) means, where an aircraft is registered, the registered owner;

pilot in command (機長), in relation to an aircraft, means the pilot who is—

(a) designated by the aircraft's operator or owner, as appropriate, as being in charge of the aircraft without

機長 (pilot in command) 就某飛機而言，指符合以下說明的機師 ——

(a) 該機師獲該飛機的經營人或機主 (視何者屬適當而定) 指定掌管該飛機，而無需受該飛機上任何其他機師指示；及

(b) 獲委負責安全飛行；*(2017 年第 115 號法律公告)*

機員 (crew) 包括受僱或受任用在飛行中的飛機上處理該飛機的事務的每一人；

機場主管當局 (aerodrome authority) 就任何機場而言，指管理機場的人 (不論是處長或任何其他人)；

總調查主任 (Chief Inspector) 指根據第 8 條委任的總調查主任；*(2017 年第 115 號法律公告)*

嚴重事故 (serious incident) 指符合以下說明的事故 ——

(a) 與飛機的操作有關，並涉及顯示甚有可能發生意外的情況；及

(b) 事故的發生時間，是在任何人懷有乘飛機飛行的意圖下而登上該飛機之後，而在所有懷有該意圖的人離開該飛機之前；*(2017 年第 115 號法律公告)*

嚴重損傷 (serious injury) 指任何人在意外中所受的損傷，而該損傷 —— *(2017 年第 115 號法律公告)*

(a) 令該人在受傷當日起計 7 日內住院超過 48 小時；或 *(2017 年第 115 號法律公告；2024 年第 164 號法律公告及 2025 年第 84 號法律公告)*

(b) 導致任何骨折 (但手指、腳趾或鼻骨的單純骨折除外)；或

(c) 涉及割傷而導致神經線、肌肉或肌腱損毀或嚴重出血；或

(d) 涉及任何內臟的損傷；或

(e) 涉及二級或三級燒傷或影響超過百分之五身體面積的燒傷；或 *(2017 年第 115 號法律公告)*

being under the direction of another pilot in the aircraft; and

(b) charged with the safe conduct of a flight; *(L.N. 115 of 2017)*

safety recommendation (安全建議) means a proposal of the accident investigation authority that is—

(a) based on any information derived from an investigation or other sources (including safety studies); and

(b) made with the intention of preventing accidents or incidents; *(L.N. 164 of 2024)*

serious incident (嚴重事故) means an incident that—

(a) is associated with the operation of an aircraft involving circumstances indicating that there was a high probability of an accident; and

(b) takes place after the time any person boards the aircraft with the intention of flight and no later than the time all persons who boarded with that intention have disembarked; *(L.N. 115 of 2017)*

serious injury (嚴重損傷) means an injury which is sustained by person in an accident and which— *(L.N. 115 of 2017)*

(a) requires hospitalization for more than 48 hours commencing within 7 days from the date on which the injury was received; or *(L.N. 115 of 2017)*

(b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or

(c) involves lacerations which cause nerve, muscle or tendon damage or severe haemorrhage; or

(d) involves injury to any internal organ; or

(f) 涉及經證實暴露於傳染物質或蒙受有害輻射，*(2017 年第 115 號法律公告)*

而***受到嚴重損傷*** (seriously injured) 一詞亦須據此而解釋。

(2017 年第 115 號法律公告)

(1A) 在本規例中，就涉及意外或事故的飛機的情況而言，凡提述機主、經營人、租用人或機長，即提述在該意外或事故發生時該飛機的機主、經營人、租用人或機長。*(2017 年第 115 號法律公告)*

(2) 本規例中任何條文所規定或授權送達或發給任何人的任何通知或其他文件，可藉交付該人而送達或發給，或以郵遞方式寄往該人慣常或最後為人所知的住所或營業地點，不論該住所或營業地點是在香港或在其他地方。

[比照 S.I. 1983/551 r. 2 U.K.]

(e) involves second or third degree burns or any burns affecting more than 5 per cent of the body surface; or *(L.N. 115 of 2017)*

(f) involves verified exposure to infectious substances or injurious radiation, *(L.N. 115 of 2017)*

and ***seriously injured*** (受到嚴重損傷) is to be constructed accordingly; *(L.N. 164 of 2024)*

State of Design (設計國), in relation to an aircraft, means the country, territory or place having jurisdiction over the organization responsible for the type design of the aircraft; *(L.N. 164 of 2024)*

State of Manufacture (製造國), in relation to an aircraft, means the country, territory or place having jurisdiction over the organization responsible for the final assembly of—

(a) the aircraft; or

(b) the engine or propeller of the aircraft; *(L.N. 164 of 2024)*

State of Registry (註冊國), in relation to an aircraft, means the country, territory or place in which the aircraft is registered; *(L.N. 164 of 2024)*

State of the Operator (經營人所在國), in relation to an aircraft, means—

(a) the country, territory or place in which the principal place of business of the operator of the aircraft is located; or

(b) if there is no such place of business—the country, territory or place of the operator's permanent residence. *(L.N. 164 of 2024)*

(L.N. 115 of 2017)

2A. *意外*的涵義

(1) 意外是與飛機的操作有關的事件，而該事件的發生時間，是在任何人懷有乘飛機飛行的意圖下而登上該飛機之後，而在所有懷有該意圖的人離開該飛機之前 (如適用的話)，在該事件中 ——

(a) 有人死亡或受到嚴重損傷，而傷亡情況須符合第 (2) 款的描述；

(b) 該飛機受到結構上的故障，或受損壞，而故障或損壞情況須符合第 (3) 款的描述；或

(c) 飛機失蹤或完全無法接觸。

(2) 就第 (1)(a) 款而言 ——

(a) 有關人士的死亡或損傷，是由於該人 ——

(i) 身處有關飛機之內；

(ii) 直接接觸有關飛機任何部分 (包括已脫離該飛機的任何部分)；或

(iii) 直接暴露於引擎噴射氣流中；

(1A) In these regulations, in the context of an aircraft involved in an accident or incident, a reference to the owner, operator, hirer or pilot in command is a reference to the aircraft's owner, operator, hirer or pilot in command at the time of the accident or incident. *(L.N. 115 of 2017)*

(2) Any notice or other document required or authorized by any provision of these regulations to be served or given to any person may be served or given by delivering it to him or by sending it to him by post at his usual or last-known residence or place of business, whether in Hong Kong or elsewhere.

[cf. S.I. 1983/551 r. 2 U.K.]

2A. Meaning of *accident*

(1) An accident is an occurrence associated with the operation of an aircraft that takes place after the time any person boards the aircraft with the intention of flight and no later than the time all persons who boarded with that intention have disembarked, if applicable, in which—

(a) a person is fatally or seriously injured as described in paragraph (2);

(b) the aircraft sustains structural failure or damage as described in paragraph (3); or

(c) the aircraft is missing or is completely inaccessible.

(2) For paragraph (1)(a)—

(a) the death or injury must result from the person's—

(i) being in the aircraft;

(ii) direct contact with any part of the aircraft, including parts that have become detached from the aircraft; or

(iii) direct exposure to jet blast;

(b) 該人死亡或受損傷，並非自然原因所導致，亦非由該人本身或由另一人所造成；及 *(2024 年第 164 號法律公告)*

(c) 該人不是一名在通常供乘客及機員使用的地方之外藏身的偷渡者。

(3) 就第 (1)(b) 款而言，故障或損壞 ——

(a) 對有關飛機的結構強度、性能或飛行特點，造成不利影響；

(b) 通常需要進行大型修理，或更換受影響的元件；及

(c) 不屬任何以下情況 ——

(i) 限於單台引擎 (包括其引擎罩或零件) 的引擎故障或損壞；

(ii) 限於推進器、翼梢、天線、傳感器、導流片、輪胎、制動器、機輪、整流罩、面板、起落架艙門、擋風玻璃或飛機外殼 (例如細微的凹陷或刺孔) 的損壞；

(iii) 主旋翼葉片、尾槳葉片或起落架的輕微損壞，或冰雹或鳥撞所導致的輕微損壞 (包括雷達天線罩上的洞)。

(2017 年第 115 號法律公告)

3. 適用範圍

(1) 本規例只適用於民用航空。

(2) 第 II、IIA、III、IV、V、VI 及 VII 部適用於符合以下說明的意外或事故 ——

(a) 由飛航引起，或在飛航期間發生；及

(b) 符合任何以下條件 ——

(i) 是民航飛機 (不論是否在香港註冊) 於香港境內或香港上空遭遇到的；

(b) the death or injury must not be from a natural cause, self-inflicted or inflicted by another person; and

(c) the person must not be a stowaway hiding outside the areas normally available to the passengers and crew.

(3) For paragraph (1)(b), the failure or damage must—

(a) adversely affect the structural strength, performance or flight characteristics of the aircraft;

(b) be such as would normally require major repair or replacement of the affected component; and

(c) be none of the following—

(i) engine failure or damage that is limited to a single engine (including its cowlings or accessories);

(ii) damage that is limited to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens or the aircraft skin (such as small dents or puncture holes);

(iii) minor damage to main rotor blades, tail rotor blades, landing gear, or resulting from hail or bird strike (including holes in the radome).

(L.N. 115 of 2017)

3. Application

(1) These regulations apply only to civil aviation.

(2) Parts II, IIA, III, IV, V, VI and VII apply to an accident or incident if—

(a) it arises out of or in the course of air navigation; and

(b) any of the following conditions is met—

(i) it occurs to a civil aircraft (whether or not registered in Hong Kong) in or over Hong Kong;

(ii) 是在香港註冊的民航飛機於並非締約國的香港境外國家、地區或地方境內或上空遭遇到的；

(iii) 是在香港註冊的民航飛機於某締約國境內或上空遭遇到的，而該締約國已拒絕調查該意外或事故。 *(2024 年第 164 號法律公告)*

(3) 第 IVA 部適用於符合以下說明的意外或事故 ——

(a) 由飛航引起，或在飛航期間發生；及

(b) 是民航飛機 (不論是否在香港註冊) 於某締約國境內或上空遭遇到的。 *(2024 年第 164 號法律公告)*

(2017 年第 115 號法律公告)

4. 調查的目標

(1) 根據本規例對意外或事故進行調查的唯一目標，是避免意外及事故。

(2) 分攤過失或法律責任，並非調查目的。

(2017 年第 115 號法律公告)

(ii) it occurs to a civil aircraft registered in Hong Kong in or over a country, territory or place outside Hong Kong that is not a Contracting State;

(iii) it occurs to a civil aircraft registered in Hong Kong in or over a Contracting State and the Contracting State has declined to investigate into the accident or incident. *(L.N. 164 of 2024)*

(3) Part IVA applies to an accident or incident if it—

(a) arises out of or in the course of air navigation; and

(b) occurs to a civil aircraft (whether or not registered in Hong Kong) in or over a Contracting State. *(L.N. 164 of 2024; L.N. 84 of 2025)*

(L.N. 115 of 2017)

4. Objective of investigation

(1) The sole objective of the investigation of an accident or incident under these regulations is the prevention of accidents and incidents.

(2) It is not the purpose of an investigation to apportion blame or liability.

(L.N. 115 of 2017)

第 II 部

意外及事故調查

(2017 年第 115 號法律公告)

(格式變更 ——2018 年第 5 號編輯修訂紀錄)

5. 意外及事故的通知

(2017 年第 115 號法律公告)

(1) 如發生意外或嚴重事故，機長或 (如機長死亡、失蹤或喪失行為能力) 經營人須在切實可行範圍內盡快 ——

(a) 以可使用的最適當通訊方法，將該意外或嚴重事故通知總調查主任；及

(b) 如該意外或嚴重事故在香港境內或香港上空發生 —— 將該意外或嚴重事故，以及該意外或嚴重事故的發生地點，通知警務處處長。 *(2017 年第 115 號法律公告)*

(1A) 在不局限第 (1) 款的原則下，如意外或嚴重事故在香港境內或香港上空的機場或鄰近地方發生，則該機場的機場主管當局須在切實可行範圍內盡快 ——

(a) 以可使用的最適當通訊方法，將該意外或嚴重事故通知總調查主任；及

(b) 將該意外或嚴重事故，以及該意外或嚴重事故的發生地點，通知警務處處長。 *(2017 年第 115 號法律公告)*

(2) 第 (1) 及 (1A) 款所提述的給予總調查主任的通知，須盡可能列明 —— *(2017 年第 115 號法律公告)*

(a) 供識別的縮寫 (如發生意外)ACCID 或 (如發生嚴重事故)INCID； *(2017 年第 115 號法律公告)*

Part II

Investigation of Accidents and Incidents

(L.N. 115 of 2017)

(Format changes—E.R. 5 of 2018)

5. Notice of accidents and incidents

(L.N. 115 of 2017)

(1) If an accident or a serious incident occurs, the pilot in command or (if the pilot in command is killed, missing or incapacitated) the operator must as soon as practicable—

(a) give notice of the accident or serious incident to the Chief Inspector by the most suitable means of communication available; and

(b) for an accident or a serious incident occurring in or over Hong Kong—also notify the Commissioner of Police of the accident or serious incident, and of the place where it occurred. *(L.N. 115 of 2017)*

(1A) Without limiting paragraph (1), for an accident or a serious incident occurring on or adjacent to an aerodrome in or over Hong Kong, the aerodrome authority concerned must as soon as practicable—

(a) give notice of the accident or serious incident to the Chief Inspector by the most suitable means of communication available; and

(b) notify the Commissioner of Police of the accident or serious incident, and of the place where it occurred. *(L.N. 115 of 2017)*

(2) The notice to the Chief Inspector referred to in paragraphs (1) and (1A) must state as far as possible— *(L.N. 115 of 2017)*

(b) 飛機的製造商、型號、國籍及註冊標記，及序號；*(2017 年第 115 號法律公告)*

(c) 飛機的機主、經營人及租用人 (如有的話) 的姓名或名稱；

(d) 機長的姓名及資格，以及機員及乘客的國籍；*(2017 年第 115 號法律公告)*

(e) 發生意外或嚴重事故的日期及時間 (當地時間或世界協調時)；*(1999 年第 36 號第 3 條；2017 年第 115 號法律公告)*

(f) 飛機上一個啟航地點及下一個擬着陸地點；

(g) 以一容易界定的地理點及經緯度所表示的飛機位置；

(h) (i) 發生意外或嚴重事故時飛機上的機員人數，以及其中由於意外而死亡或受到嚴重損傷的人數；

(ii) 發生意外或嚴重事故時飛機上的乘客人數，以及其中由於意外而死亡或受到嚴重損傷的人數；

(iii) 由於意外而死亡或受到嚴重損傷的其他人士的人數；*(2017 年第 115 號法律公告)*

(i) 意外或嚴重事故的描述及已知對飛機造成損壞的程度；*(2017 年第 115 號法律公告)*

(j) 意外或嚴重事故地方的物理特徵，及任何進入現場的困難或對抵達現場的特殊要求的說明；及 *(2017 年第 115 號法律公告)*

(k) 在意外或嚴重事故發生時，飛機上是否有危險品，以及該等危險品的描述。*(2017 年第 115 號法律公告)*

(3) 總調查主任可藉送達書面通知予第 (4) 款指明的人，要求該人提供任何資料，前提是總調查主任有合理原因相信 ——

(a) 該等資料關乎任何意外或事故；及

(b) 該人管有或控制該等資料。*(2024 年第 164 號法律公告)*

(a) the identifying abbreviation (for an accident) ACCID or (for a serious incident) INCID; *(L.N. 115 of 2017)*

(b) the manufacturer, model, nationality and registration marks, and serial number of the aircraft; *(L.N. 115 of 2017)*

(c) the name of the owner, operator and hirer (if any) of the aircraft;

(d) the name and qualification of the pilot in command, and the nationalities of the crew and passengers; *(L.N. 115 of 2017)*

(e) the date and time (local time or Coordinated Universal Time) of the accident or serious incident; *(36 of 1999 s. 3; L.N. 115 of 2017)*

(f) the last point of departure and the next point of intended landing of the aircraft;

(g) the position of the aircraft by reference to some easily defined geographical point and latitude and longitude;

(h) (i) the number of crew on board the aircraft at the time of the accident or serious incident, and the number of them killed or seriously injured as a result of the accident;

(ii) the number of passengers on board the aircraft at the time of the accident or serious incident, and the number of them killed or seriously injured as a result of the accident;

(iii) the number of other persons killed or seriously injured as a result of the accident; *(L.N. 115 of 2017)*

(i) a description of the accident or serious incident and the extent of the damage to the aircraft as far as is known; *(L.N. 115 of 2017)*

(4) 就第(3)款而指明的人，是機主、經營人、租用人或機長。*(2017 年第 115 號法律公告)*

(5) 為施行第 (3) 款，如有以下情況，上述通知須視作已送達第 (4) 款指明的人 ——

(a) 如該人屬個人，該通知 ——

(i) 由專人交付該名個人；

(ii) 留在或郵寄往該名個人最後為人所知的營業或居住地址；

(iii) 藉圖文傳真傳送往該名個人最後為人所知的圖文傳真號碼；或

(iv) 藉電子郵遞傳送往該名個人最後為人所知的電子郵件地址；

(b) 如該人屬公司，該通知 ——

(i) 由專人交付該公司的任何的董事、經理、公司秘書或關涉該公司的管理的其他人；

(ii) 留在或郵寄往該公司的《公司條例》(第 622 章) 所指的註冊辦事處；

(iii) 藉圖文傳真傳送往該公司最後為人所知的圖文傳真號碼；或

(iv) 藉電子郵遞傳送往該公司最後為人所知的電子郵件地址；

(c) 如該人屬非香港公司，該通知 ——

(i) 由專人在指明地址交付居住在香港且為《公司條例》(第 622 章) 第 16 部的目的而獲授權代該公司接受送達程序文件及通知的人 (***獲授權人***)，或郵寄往指明地址給該獲授權人；上述指明地址，指根據該條例交付公司註冊處處長的獲授權人的地址；

(ii) 藉圖文傳真傳送往獲授權人最後為人所知的圖文傳真號碼；或

(j) physical characteristics of the accident or serious incident area, as well as an indication of any access difficulties or special requirements to reach the site; and *(L.N. 115 of 2017)*

(k) the presence and descriptions of any dangerous goods on board the aircraft at the time of the accident or serious incident. *(L.N. 115 of 2017)*

(3) The Chief Inspector may, by written notice served on a person specified in paragraph (4), require the person to provide any information if the Chief Inspector has reasonable cause to believe that the information—

(a) is related to any accident or incident; and

(b) is in the person's possession or control. *(L.N. 164 of 2024)*

(4) A person specified for paragraph (3) is the owner, operator, hirer or pilot in command. *(L.N. 115 of 2017)*

(5) For the purposes of paragraph (3), the notice is taken to have been served on a person specified in paragraph (4) if—

(a) in the case of an individual, it is—

(i) delivered by hand to the individual;

(ii) left at, or sent by post to, the last known business or residential address of the individual;

(iii) sent by fax transmission to the last known fax number of the individual; or

(iv) sent by electronic mail transmission to the last known electronic mail address of the individual;

(b) in the case of a company, it is—

(i) delivered by hand to any director, manager, secretary, or other person concerned in the management of the company;

(iii) 藉電子郵遞傳送往獲授權人最後為人所知的電子郵件地址；或

(d) 如該人屬合夥，該通知 ——

(i) 由專人交付該合夥的任何合夥人；

(ii) 留在或郵寄往該合夥最後為人所知的主要營業地點；

(iii) 藉圖文傳真傳送往該合夥最後為人所知的圖文傳真號碼；或

(iv) 藉電子郵遞傳送往該合夥最後為人所知的電子郵件地址。 *(2024 年第 164 號法律公告)*

(6) 獲送達上述通知的第 (4) 款指明的人，須在該通知指明的期限內，按該通知指明的格式，向總調查主任提供其所要求的資料。 *(2024 年第 164 號法律公告)*

(7) 任何人無合理辯解而沒有遵守第 (6) 款，即屬犯罪，一經定罪，可處第 2 級罰款及監禁 6 個月。 *(2024 年第 164 號法律公告)*

(8) 如符合以下情況，第 (7) 款亦適用於任何人在香港以外地方沒有遵守第 (6) 款 ——

(a) 有關的資料關乎在香港註冊的飛機所遭遇的意外或事故；及

(b) 該人是 ——

(i) 香港永久性居民；或

(ii) 中國公民。 *(2024 年第 164 號法律公告)*

(9) 任何人明知或罔顧實情地向總調查主任提供任何在要項上屬虛假或具誤導性的資料，充作遵守第 (6) 款，即屬犯罪，一經定罪，可處第 2 級罰款及監禁 6 個月。 *(2024 年第 164 號法律公告)*

(10) 如符合以下情況，第 (9) 款亦就提供某資料，適用於任何人在香港以外地方充作遵守第 (6) 款 ——

(ii) left at, or sent by post to, the registered office of the company within the meaning of the Companies Ordinance (Cap. 622);

(iii) sent by fax transmission to the last known fax number of the company; or

(iv) sent by electronic mail transmission to the last known electronic mail address of the company;

(c) in the case of a non-Hong Kong company, it is—

(i) delivered by hand to, or sent by post to, a person resident in Hong Kong who is authorized to accept service of process and notices on its behalf for the purposes of Part 16 of the Companies Ordinance (Cap. 622) (***authorized person***) at the authorized person's address delivered to the Registrar of Companies under that Ordinance;

(ii) sent by fax transmission to the last known fax number of the authorized person; or

(iii) sent by electronic mail transmission to the last known electronic mail address of the authorized person; or

(d) in the case of a partnership, it is—

(i) delivered by hand to any partner of the partnership;

(ii) left at, or sent by post to, the last known principal place of business of the partnership;

(iii) sent by fax transmission to the last known fax number of the partnership; or

(iv) sent by electronic mail transmission to the last known electronic mail address of the partnership. *(L.N. 164 of 2024)*

(a) 該資料關乎在香港註冊的飛機所遭遇的意外或事故；及

(b) 該人是 ——

(i) 香港永久性居民；或

(ii) 中國公民。 *(2024 年第 164 號法律公告)*

(11) 即使某人 (不論該人是否第 (4) 款所指明者) 無須根據第 (6) 款規定，將關乎某意外或事故的資料，向總調查主任提供，第 (3) 款並不阻止總調查主任從該人收取該等資料。 *(2024 年第 164 號法律公告)*

(6) A person specified in paragraph (4) on whom the notice is served must provide the information required to the Chief Inspector within the period and in the form specified in the notice. *(L.N. 164 of 2024)*

(7) A person who, without reasonable excuse, fails to comply with paragraph (6) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months. *(L.N. 164 of 2024)*

(8) Paragraph (7) also applies to a person's failure to comply with paragraph (6) in a place outside Hong Kong if—

(a) the information in question is related to an accident or incident that occurs to an aircraft registered in Hong Kong; and

(b) the person is—

(i) a Hong Kong permanent resident; or

(ii) a Chinese citizen. *(L.N. 164 of 2024)*

(9) A person who, in purported compliance with paragraph (6), knowingly or recklessly provides the Chief Inspector with any information that is false or misleading in a material particular commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months. *(L.N. 164 of 2024)*

(10) Paragraph (9) also applies to a purported compliance with paragraph (6) in a place outside Hong Kong by a person in respect of providing any information if—

(a) the information is related to an accident or incident that occurs to an aircraft registered in Hong Kong; and

(b) the person is—

(i) a Hong Kong permanent resident; or

(ii) a Chinese citizen. *(L.N. 164 of 2024)*

6. 與意外及事故有關的資料

(2017 年第 115 號法律公告)

總調查主任可隨時公布或安排公布關乎意外或事故的資料，不論該意外或事故是否覆核委員會或公開研訊的標的。

(2017 年第 115 號法律公告)

[比照 S.I. 1983/551 r. 6 U.K.]

7. 接觸和移走損壞飛機

(1) 在不抵觸第 9 條的條文下，如在香港境內或香港上空，發生意外或嚴重事故 ——

(a) 除獲授權人士外，任何人不得接觸涉及該意外或嚴重事故的飛機；及

(b) 除非總調查主任授權，否則不得移走或以其他方式干擾該飛機或其內物品。

(2) 然而，可在對以下作為屬必要的範圍內，移走或干擾有關飛機 ——

(a) 將人或動物救出；

(b) 移走該飛機所運載的任何郵件、貴重物品或危險品；

(c) 防止由火警或其他原因造成的損毀；*(2024 年第 164 號法律公告)*

(d) 防止對公眾、飛航或其他交通造成危險或妨礙；或

(11) Nothing in paragraph (3) prevents the Chief Inspector from receiving any information relating to an accident or incident from a person (whether or not specified in paragraph (4)) who is not required under paragraph (6) to provide the information. *(L.N. 164 of 2024)*

6. Information relating to accidents and incidents

(L.N. 115 of 2017)

The Chief Inspector may at any time publish, or cause to be published, information relating to an accident or incident, whether or not the accident or incident is the subject of a board of review or of a public inquiry.

(L.N. 115 of 2017)

[cf. S.I. 1983/551 r. 6 U.K.]

7. Access to and removal of damaged aircraft

(1) Subject to regulation 9, if an accident or a serious incident occurs in or over Hong Kong—

(a) no person other than an authorized person may have access to the aircraft involved in the accident or serious incident; and

(b) neither the aircraft nor its contents may, except under the authority of the Chief Inspector, be removed or otherwise interfered with.

(2) However, the aircraft may be removed or interfered with as far as necessary for—

(a) extricating persons or animals;

(b) removing any mail, valuables or dangerous goods carried by the aircraft;

(c) preventing destruction by fire or other cause;

(e) 在調查主任的監督下，或在調查主任或警務人員的同意下，從該飛機移走其他財產。

(3) 此外，凡飛機在水上失事，如為將該飛機或其內任何物品帶到安全地方，有需要移走飛機或其內物品，則可在該項需要的範圍內移走該飛機或物品。

(4) 在本條中 ——

獲授權人士 (authorized person) 指獲總調查主任一般或特別授權接觸涉及意外或嚴重事故的飛機的人，並包括 ——

(a) 任何警務人員；及

(b) 香港海關任何人員。

(2017 年第 115 號法律公告)

8. 調查主任

(1) 為調查飛機意外及事故發生的情況及原因，行政長官可不時委任 —— *(2024 年第 164 號法律公告)*

(a) 一名具有適當資格的人擔任總調查主任；及

(b) 其他具有適當資格的人擔任調查主任，人數視行政長官認為需要而定。

(2) 總調查主任連同調查主任，構成在運輸及物流局轄下的香港的意外調查當局。 *(2022 年第 144 號法律公告)*

(3) 總調查主任直接向運輸及物流局局長負責。 *(2022 年第 144 號法律公告)*

(4) 總調查主任須確保對意外或嚴重事故進行調查。

(d) preventing any danger or obstruction to the public, or to air navigation or other transport; or

(e) removing other property from the aircraft under the supervision of an Inspector, or with the agreement of an Inspector or a police officer.

(3) Moreover, if an aircraft is wrecked on the water, the aircraft or any of its contents may be removed as far as necessary for bringing it or them to a place of safety.

(4) In this regulation—

authorized person (獲授權人士) means a person authorized by the Chief Inspector either generally or specifically to have access to any aircraft involved in an accident or a serious incident, and includes—

(a) any police officer; and

(b) any officer of the Customs and Excise Service.

(L.N. 115 of 2017)

8. Inspectors

(1) For the purpose of carrying out investigation into the circumstances and causes of aircraft accidents and incidents, the Chief Executive may from time to time appoint—

(a) a suitably qualified person to be Chief Inspector; and

(b) the number of other suitably qualified persons that the Chief Executive considers necessary to be Inspectors.

(2) The Chief Inspector, together with the Inspectors, is the accident investigation authority in Hong Kong under the Transport and Logistics Bureau. *(L.N. 144 of 2022)*

(3) The Chief Inspector is directly accountable to the Secretary for Transport and Logistics. *(L.N. 144 of 2022)*

(5) 如總調查主任預期，能夠從調查一宗不屬嚴重事故的事故中，汲取航空安全方面的教訓，總調查主任可決定對該事故進行調查。

(6) 總調查主任可親自負責進行調查，或指派一名調查主任負責進行調查。

(7) 在不限制調查主任尋求該調查主任認為在進行調查中所需的意見或協助的權力下，總調查主任可委任多於一人，在某一特定調查中協助。

(8) 根據第 (7) 款委任的人，具有在其委任文書中指明的調查主任在本規例之下的權力。

(2017 年第 115 號法律公告)

9. 調查主任的權力

為對任何意外或事故進行調查，或為承擔進行任何查訊以期決定應否進行任何該等調查，調查主任有以下權力 —— *(2017 年第 115 號法律公告)*

(a) 藉發出由他簽署的傳票，傳召所有他認為適合的人到他席前並予以訊問，以及要求他們回答他認為有關的任何問題、提供他認為有關的任何資料或交出他認為有關的任何簿冊、文據、文件及物品，並保留任何該等簿冊、文據、文件及物品，直到調查或依據第 17 條所進行的研訊完成為止，或直至決定不進行調查為止 (視屬何情況而定)；

(b) 向所有他認為適合的人錄取陳述，並要求他們作出和簽署聲明，表明其陳述屬實；

(4) The Chief Inspector is to ensure that an investigation into an accident or a serious incident is carried out.

(5) The Chief Inspector may decide that an investigation is to be carried out into an incident that is not a serious incident if the Chief Inspector expects that air safety lessons can be drawn from the investigation.

(6) The Chief Inspector may be in charge of carrying out an investigation himself or herself, or direct an Inspector to be in charge of carrying out an investigation.

(7) Without limiting the power of an Inspector to seek the advice or assistance the Inspector considers necessary in carrying out an investigation, the Chief Inspector may appoint persons to assist in a particular investigation.

(8) The persons appointed under paragraph (7) have the powers of an Inspector under these regulations as specified in their appointment.

(L.N. 115 of 2017)

9. Power of Inspectors

For the purpose of the investigation of any accident or incident, or any inquiries undertaken with a view to determining whether any such investigation should be held, an Inspector shall have power— *(L.N. 115 of 2017)*

(a) by summons under his hand to call before him and examine all such persons as he thinks fit, to require such persons to answer any question or furnish any information or produce any books, papers, documents and articles which the Inspector may consider relevant and to retain any such books, papers, documents and articles until the completion of the investigation or any inquiry held pursuant to regulation 17 or, as the case

(c) 接觸和檢查涉及任何該等意外或事故的任何飛機，以及進入和視察發生意外或事故的地點，並要求將任何該等飛機、其任何部分或設備不作改動地予以保存，以待進行調查；*(2017 年第 115 號法律公告)*

(d) 檢查、移走、測試、採取某些措施以保存或以其他方式處理 ——

(i) 涉及意外或事故的飛機；或 *(2017 年第 115 號法律公告)*

(ii) 調查主任覺得為進行調查或查訊而需要的任何其他飛機，

或上述飛機的任何部分或其內所載的任何東西；

(e) 在出示其證件 (如有要求) 後，進入和視察調查主任覺得為進行調查或查訊或依據第 17 條所進行的研訊而需要進入和視察的任何地方、建築物或飛機，但如擬進入的任何處所在當時是作住宅之用，則調查主任並無權力為進行查訊以期決定應否進行調查而根據本款進入該處所；

(ea) 使用第 5(3) 或 (11) 條所述的、由總調查主任收取的任何資料；及 *(2024 年第 164 號法律公告)*

(f) 採取他認為合適的措施，以保存證據。

[比照 S.I. 1983/551 r. 9 U.K.]

may be, it is determined that an investigation shall not be carried out;

(b) to take statements from all such persons as he thinks fit and to require any such person to make and sign a declaration of the truth of the statement made by him;

(c) to have access to and examine any aircraft involved in any such accident or incident and the place where the accident or incident occurred and to require any such aircraft or any part or equipment thereof to be preserved unaltered pending investigation; *(L.N. 115 of 2017)*

(d) to examine, remove, test, take measures for the preservation of, or otherwise deal with—

(i) the aircraft involved in the accident or incident; or *(L.N. 115 of 2017)*

(ii) where it appears to the Inspector requisite for the purposes of any such investigation or inquiries, any other aircraft,

or any part of such aircraft or anything contained therein;

(e) on production if required of his credentials, to enter and inspect any place, building or aircraft the entry or inspection whereof appears to the Inspector to be requisite for the purposes of any such investigation or inquiries or any inquiry held pursuant to regulation 17, except that an Inspector shall not have power to enter any premises under this sub-paragraph for the purpose of inquiries with a view to determining whether an investigation should be held if at the time of the proposed entry the premises are being used as a dwelling;

(ea) to use any information mentioned in regulation 5(3) or (11) received by the Chief Inspector; and *(L.N. 164 of 2024)*

10. 調查

(2017 年第 115 號法律公告)

(1) 一項說明調查正在進行的公告，須以總調查主任認為適合的方式發出，並邀請任何欲就意外或事故發生的情況及原因作出申述的人，在公告指明的期限內以書面作出申述。 *(2024 年第 164 號法律公告)*

(2) 調查須以非公開形式進行。

(3) 如主事調查主任為解決證據上的任何衝突，或因任何其他理由而覺得適宜，他可准許任何人到他席前，以及提出證據和訊問證人。

(4) 每名按照本規例被主事調查主任傳召作為證人的人，須獲准予由總調查主任經運輸及物流局局長贊同而釐定的開支。 *(1997 年第 362 號法律公告；2004 年第 125 號法律公告；2007 年第 130 號法律公告；2022 年第 144 號法律公告)*

(5) 總調查主任可決定中止正在對任何意外或事故進行的調查。 *(2017 年第 115 號法律公告)*

(6) 如調查中止，總調查主任須以其認為適當的方式發出公告，公布中止該調查。 *(2017 年第 115 號法律公告)*

(7) *(由 2017 年第 115 號法律公告廢除)*

(2017 年第 115 號法律公告)

[比照 S.I. 1983/551 r. 10 U.K.]

(f) to take such measures for the preservation of evidence as he considers appropriate.

[cf. S.I. 1983/551 r. 9 U.K.]

10. Investigation

(L.N. 115 of 2017)

(1) Public notice that an investigation is taking place shall be given in such manner as the Chief Inspector thinks fit and shall invite any persons who desire to make representations concerning the circumstances or causes of the accident or incident to do so in writing within a time to be specified in the notice.

(2) An investigation shall be held in private.

(3) Where it appears to the Inspector-in-charge that in order to resolve any conflict of evidence or that for any other reason it is expedient so to do, he may permit any person to appear before him and to call evidence and examine witnesses.

(4) Every person summoned by the Inspector-in-charge as a witness in accordance with these regulations shall be allowed such expenses as the Chief Inspector with the concurrence of the Secretary for Transport and Logistics determines. *(L.N. 125 of 2004; L.N. 130 of 2007; L.N. 144 of 2022)*

(5) The Chief Inspector may decide that an investigation being carried out into any accident or incident be discontinued. *(L.N. 115 of 2017)*

(6) If an investigation is discontinued, the Chief Inspector must give public notice, in the way the Chief Inspector considers appropriate, of the discontinuation. *(L.N. 115 of 2017)*

(7) *(Repealed L.N. 115 of 2017)*

(L.N. 115 of 2017)

[cf. S.I. 1983/551 r. 10 U.K.]

10A. 調查報告

(1) 在符合第 (1A) 款及第 11 條的規定下，凡調查完成，主事調查主任須向行政長官提交調查報告，該報告須由總調查主任呈交予行政長官。 *(2024 年第 164 號法律公告)*

(1A) 上述報告不得在以下時間之前根據第 (1) 款呈交 ——

(a) 如沒有人按照第 12(1) 條就該報告送達覆核通知 ——

(i) 第 12(1) 條指明的期間屆滿時；或

(ii) 如該期間在屆滿前根據第 12(1A) 條獲延展 —— 經延展的該期間屆滿時；或 *(2025 年第 84 號法律公告)*

(b) 如有人按照第 12(1) 條就該報告送達覆核通知 —— 行政長官根據第 13(1) 條獲告知此事之時。 *(2024 年第 164 號法律公告)*

(2) 報告須載有 ——

(a) 關乎有關意外或事故的事實；

(b) 對該等事實的分析；

(c) 就該意外或事故的原因及任何促成因素作出的結論；及 *(2024 年第 164 號法律公告)*

(d) 主事調查主任認為對保障生命和避免發生意外或事故屬適當的任何安全建議。 *(2024 年第 164 號法律公告)*

(2A) 識別任何意外或事故的原因或促成因素，並不意味就該意外或事故判定過失，亦不意味就該意外或事故裁斷行政、民事或刑事法律責任。 *(2024 年第 164 號法律公告)*

(2B) 安全建議的目的，並非就意外或事故的過失或法律責任作出推定。 *(2024 年第 164 號法律公告)*

(3) 如調查根據第 10(5) 條中止，則無須根據本條提交報告。

10A. Investigation report

(1) Subject to paragraph (1A) and regulation 11, on completion of an investigation, the Inspector-in-charge must make an investigation report to be submitted by the Chief Inspector to the Chief Executive. *(L.N. 164 of 2024)*

(1A) The report must not be submitted under paragraph (1)—

(a) if no notice of review has been served in accordance with regulation 12(1) in relation to the report, before the expiry of—

(i) the period specified in regulation 12(1); or

(ii) if the period has been extended under regulation 12(1A) before its expiry—the period as extended; or *(L.N. 84 of 2025)*

(b) if a notice of review has been served in accordance with regulation 12(1) in relation to the report—before the Chief Executive is informed of it under regulation 13(1). *(L.N. 164 of 2024)*

(2) The report must contain—

(a) the facts relating to the accident or incident concerned;

(b) an analysis of the facts;

(c) the conclusions as to the causes of, and any contributing factors to, the accident or incident; and

(d) any safety recommendations the Inspector-in-charge considers appropriate for the preservation of life and the prevention of accidents or incidents. *(L.N. 164 of 2024)*

(2A) The identification of any causes of, or contributing factors to, an accident or incident does not imply the assignment of fault or the determination of administrative, civil or criminal liability for the accident or incident. *(L.N. 164 of 2024)*

(2017 年第 115 號法律公告)

11. 報告的通知及申述

(2017 年第 115 號法律公告)

(1) 主事調查主任須先行採取以下步驟，方可根據第 10A 條提交調查報告 ——

(a) 如屬切實可行並在符合第 (1A) 款的情況下，向以下人士送達通知 ——

(i) 有關經營人及機長；及

(ii) 凡主事調查主任認為，該報告相當可能對某人的聲譽造成不利影響 —— 該人；及

(b) 考慮獲送達該通知的人或其代表按照第 (3) 款作出的申述。 *(2017 年第 115 號法律公告)*

(1A) 如第 (1)(a) 款提述的任何人 (***指明人士***) 已去世、失蹤或喪失精神行為能力，而主事調查主任當時認為，某另一人最能代表指明人士在有關事宜上的權益，上述通知須送達該另一人。 *(2017 年第 115 號法律公告)*

(2) 上述通知 ——

(a) 凡該通知送達予某人，或就某人而送達，而某項擬對事實的分析可能影響該人 —— 須包括該項分析的詳情；

(b) 凡對意外或事故的原因作出的任何結論，可能影響該人 —— 須包括該結論；及 *(2017 年第 115 號法律公告)*

(2B) It is not the purpose of a safety recommendation to create a presumption of blame or liability for an accident or incident. *(L.N. 164 of 2024)*

(3) If an investigation is discontinued under regulation 10(5), no report is required to be made under this regulation.

(L.N. 115 of 2017)

11. Notice of report and representations

(L.N. 115 of 2017)

(1) The Inspector-in-charge must, before making an investigation report under regulation 10A—

(a) if it is practicable to do so and subject to paragraph (1A), serve a notice on—

(i) the operator and pilot in command; and

(ii) any person whose reputation is, in the Inspector-in-charge's opinion, likely to be adversely affected by the report; and

(b) consider any representations made in accordance with paragraph (3) by or on behalf of the persons served with the notice. *(L.N. 115 of 2017)*

(1A) If any of the persons referred to in paragraph (1)(a) (***specified person***) is deceased, missing or mentally incapacitated, the notice must be served on the persons that the Inspector-in-charge considers at the time to best represent the interest of the specified person in the matter. *(L.N. 115 of 2017)*

(2) The notice must—

(a) include particulars of any proposed analysis of facts that may affect the person on whom, or in respect of whom, the notice is served;

(c) 須述明該人可按照第 (3) 款作出申述。*(2024 年第 164 號法律公告)*

(3) 申述須以書面作出，並須在有關通知送達後的 30 日內，或在根據第 (3A) 款延展的期間內，送達主事調查主任。*(2017 年第 115 號法律公告；2024 年第 164 號法律公告及 2025 年第 84 號法律公告)*

(3A) 主事調查主任可延展第 (3) 款所述的 30 日期間，不論該期間是否已屆滿。*(2024 年第 164 號法律公告及 2025 年第 84 號法律公告)*

(4) 主事調查主任須將在完成調查後根據第 10A 條提交的調查報告的副本，送達任何根據第 (1) 或 (1A) 款獲送達通知的人。*(2017 年第 115 號法律公告)*

(2024 年第 164 號法律公告)

[比照 S.I. 1983/551 r. 11 U.K.]

(b) include any conclusions as to the causes of the accident or incident that may affect the person; and *(L.N. 115 of 2017)*

(c) state that the person may make a representation in accordance with paragraph (3). *(L.N. 164 of 2024)*

(3) A representation must be in writing and be served on the Inspector-in-charge within 30 days of service of the notice or within the period extended under paragraph (3A). *(L.N. 115 of 2017; L.N. 164 of 2024 and L.N. 84 of 2025)*

(3A) The Inspector-in-charge may extend the period of 30 days mentioned in paragraph (3) whether or not the period has expired. *(L.N. 164 of 2024 and L.N. 84 of 2025)*

(4) A copy of the investigation report made under regulation 10A on completion of the investigation must be served by the Inspector-in-charge on any person who has been served with a notice under paragraph (1) or (1A). *(L.N. 115 of 2017)*

(L.N. 164 of 2024)

[cf. S.I. 1983/551 r. 11 U.K.]

第 IIA 部

締約國參與調查的權利，以及在某些有人死亡或嚴重損傷的意外方面的權利

(第 IIA 部由 2024 年第 164 號法律公告增補)

11A. 締約國可委任授權代表參與調查

(1) 第 (2) 款描述的締約國可基於某人的資格，委任該人為授權代表，以參與某意外或事故的調查。

(2) 有關締約國 ——

(a) 是上述意外或事故所涉及的飛機的 ——

(i) 註冊國；

(ii) 經營人所在國；

(iii) 設計國；或

(iv) 製造國；或

(b) 已應總調查主任的要求，向其提供任何資料、設施或專家。

11B. 根據第 11A(1) 條獲委任的授權代表的權利及義務

(1) 除第 (2) 款另有規定外，根據第 11A(1) 條獲委任的授權代表可在主事調查主任的管控下，參與某意外或事故的調查的所有方面，尤其可 ——

(a) 查看有關意外或事故的現場；

Part IIA

Rights of Contracting States to Participate in Investigations and in respect of Certain Accidents with Fatalities or Serious Injuries

(Part IIA added L.N. 164 of 2024)

11A. Contracting States may appoint accredited representatives to participate in investigations

(1) A Contracting State described in paragraph (2) may appoint an accredited representative on the basis of the qualifications of the person to be appointed to participate in an investigation of an accident or incident.

(2) The Contracting State—

(a) is—

(i) the State of Registry;

(ii) the State of the Operator;

(iii) the State of Design; or

(iv) the State of Manufacture,

of the aircraft involved in the accident or incident; or

(b) has, on request of the Chief Inspector, provided any information, facilities or experts to the Chief Inspector.

11B. Rights and obligations of accredited representatives appointed under regulation 11A(1)

(1) Subject to paragraph (2), an accredited representative appointed under regulation 11A(1) may, under the control of the Inspector-in-charge, participate in all aspects of

(b) 檢查殘骸；

(c) 取得目擊者資料，以及建議提問範圍；

(d) 在可能範圍內，盡快全面取得所有相關證據；

(e) 收取所有相關文件的複本；

(f) 參與記錄工具的判讀；

(g) 參與現場以外的調查活動，例如部件檢查、技術簡介、測試及模擬；

(h) 參與調查進度會議，包括關於分析、調查結果、原因、促成因素及安全建議的商議；及

(i) 就有關調查的各個方面提交意見。

(2) 如授權代表是由屬第 11A(2)(b) 條所指的締約國委任的，而該締約國已就某些事宜提供資料、設施或專家，則總調查主任可將該授權代表在有關調查中的參與，限制於該等事宜。

(3) 有關授權代表 ——

(a) 須將其本人管有或控制的、關乎有關意外或事故的一切資料，提供予總調查主任；及

(b) 如未經總調查主任明確同意，不得透露有關調查的進度及結果的資料。

an investigation into an accident or incident and may in particular—

(a) visit the scene of the accident or incident;

(b) examine any wreckage;

(c) obtain witness information and suggest areas of questioning;

(d) have full access to all relevant evidence as soon as possible;

(e) receive copies of all pertinent documents;

(f) participate in read-outs of recorded media;

(g) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;

(h) participate in progress meetings of the investigation, including deliberations relating to any analysis, findings, causes, contributing factors and safety recommendations; and

(i) make submissions in respect of various aspects of the investigation.

(2) If the accredited representative is appointed by a Contracting State that falls within regulation 11A(2)(b), the Chief Inspector may limit the accredited representative's participation in the investigation to the matters in respect of which the Contracting State has provided information, facilities or experts.

(3) The accredited representative—

(a) is to provide to the Chief Inspector all information relating to the accident or incident concerned in his or her possession or control; and

11C. 委任顧問以協助根據第 11A(1) 條獲委任的授權代表

(1) 屬第 11A(2) 條所指的締約國，可基於一名或多於一名人士的資格，委任他們為顧問，以協助由該締約國根據第 11A(1) 條委任的授權代表。

(2) 上述顧問須在有關授權代表的監督下，在為使該授權代表能有效參與有關調查所需的範圍內，參與該項調查。

(3) 上述顧問 ——

(a) 須將其本人管有或控制的、關乎有關意外或事故的一切資料，提供予總調查主任；及

(b) 如未經總調查主任明確同意，不得透露有關調查的進度及結果的資料。

11D. 締約國就涉及其公民的意外所具有的權利

(1) 如某締約國因其公民在某意外中死亡或嚴重損傷，而對該意外特別關心，該締約國可 ——

(a) 為第 (2) 款指明的目的，委任一名專家；及

(b) 協助 ——

(i) 辨認屬該締約國公民的遇難者；及

(ii) 與屬該締約國公民的倖存者會面。

(2) 上述專家可 ——

(b) is not to divulge information on the progress and the findings of the investigation without the express consent of the Chief Inspector.

11C. Appointment of advisers to assist accredited representatives appointed under regulation 11A(1)

(1) A Contracting State that falls within regulation 11A(2) may appoint one or more advisers on the basis of the qualifications of each of the persons to be appointed to assist an accredited representative appointed by the Contracting State under regulation 11A(1).

(2) The adviser is to participate in the investigation under the supervision of the accredited representative to the extent that is necessary to enable the effective participation of the accredited representative in the investigation.

(3) The adviser—

(a) is to provide to the Chief Inspector all information relating to the accident or incident concerned in his or her possession or control; and

(b) is not to divulge information on the progress and the findings of the investigation without the express consent of the Chief Inspector.

11D. Contracting States' rights as regards accidents involving their citizens

(1) If a Contracting State has a special interest in an accident due to fatalities or serious injuries to its citizens, the Contracting State may—

(a) appoint an expert for the purposes specified in paragraph (2); and

(b) assist—

(a) 查看有關意外的現場；

(b) 接觸 ——

(i) 經總調查主任核准作公開發布的、關乎該意外的事實；及

(ii) 關乎有關調查的進度的資料；及

(c) 在調查報告根據第 15 條公布後，收取報告的副本。

(i) in the identification of the victims; and

(ii) in any meetings with the survivors,

who are citizens of the Contracting States.

(2) The expert may—

(a) visit the scene of the accident concerned;

(b) have access to—

(i) any facts relating to the accident approved for public release by the Chief Inspector; and

(ii) any information relating to the progress of the investigation; and

(c) receive a copy of the investigation report after it is made public under regulation 15.

第 III 部

覆核委員會

(格式變更 ——2018 年第 5 號編輯修訂紀錄)

12. 覆核通知

(1) 任何人根據第 11(1) 或 (1A) 條獲送達通知，可在根據第 11(4) 條獲送達報告的副本後的 21 日屆滿前的任何時間，或在根據第 (1A) 款延展的期間內，向總調查主任送達書面通知 (以下稱為***覆核通知***)，表示意欲由覆核委員會覆核報告內看來相當可能會對其聲譽，或根據第 11(3) 條由他人代表作出申述的人的聲譽 (視屬何情況而定) 有不利影響的調查結果及結論。 *(2024 年第 164 號法律公告及 2025 年第 84 號法律公告)*

(1A) 總調查主任可延展第 (1) 款所述的 21 日期間，不論該期間是否已屆滿。 *(2024 年第 164 號法律公告及 2025 年第 84 號法律公告)*

(2) 覆核通知須指明認為應由覆核委員會覆核的調查結果及結論，以及簡要述明報告內的調查結果及結論受到質疑的理由，該通知並須附有根據第 11(3) 條所作任何申述的副本。

(3) 將覆核通知送達總調查主任時，覆核通知的副本 (連同根據第 11(3) 條所作任何申述的副本) 亦須同時送達律政司司長，而要求覆核的人須於當時或隨後盡快告知律政司司長他是否擬派代表出席覆核聆訊，以及代他行事的律師 (如有的話) 的姓名地址，或將在覆核聆訊代表他的任何其他人的姓名地址。 *(1997 年第 362 號法律公告)*

(4) 要求覆核的人亦須將覆核通知的副本，送達所有其他獲主事調查主任根據第 11(1) 或 (1A) 條送達通知的人，而要求覆核的人可為此目的要求主事調查主任向他提供該等人士的姓名地址。

Part III

Board of Review

(Format changes—E.R. 5 of 2018)

12. Notice of review

(1) Any person who has been served with a notice under regulation 11(1) or (1A) may, at any time before the expiration of the period of 21 days from the day on which the person has been served with a copy of the report under regulation 11(4), (or within the period extended under paragraph (1A)) serve on the Chief Inspector written notice (hereinafter called the ***notice of review***) that the person wishes those findings and conclusions in the report from which it appears that the person's reputation or, as the case may be, the reputation of the person on whose behalf representations have been made under regulation 11(3), is likely to be adversely affected, to be reviewed by a board of review. *(L.N. 164 of 2024 and L.N. 84 of 2025)*

(1A) The Chief Inspector may extend the period of 21 days mentioned in paragraph (1) whether or not the period has expired. *(L.N. 164 of 2024 and L.N. 84 of 2025)*

(2) The notice of review shall specify the findings and conclusions that it is considered should be reviewed by a board of review and shall state concisely the grounds on which the findings and conclusions in the report are challenged and there shall be appended to the notice a copy of any representations made under regulation 11(3).

(3) A copy of the notice of review (together with a copy of any representations made under regulation 11(3)) shall, at the same time as the notice of review is served on the Chief

(2017 年第 115 號法律公告)

[比照 S.I. 1983/551 r. 12 U.K.]

13. 覆核委員會的委任

(1) 凡覆核通知已按照第 12 條送達，總調查主任須告知行政長官，而行政長官須隨即委任一個覆核委員會，由以下人士組成 —— *(1999 年第 36 號第 3 條；2017 年第 115 號法律公告)*

(a) 一名裁判官、一名《律政人員條例》(第 87 章) 所指的律政人員，或一名執業不少於 5 年的大律師或律師，並由其出任委員會主席；及

(b) 一名或多於一名裁判委員，而每名裁判委員均須有航空學或航空工程學資格，或有與覆核的進行有關的其他特別技能或知識。

(2) 委員會須在進行覆核聆訊前舉行初步會議，會上可發出任何指示或就程序作出任何初步非正審命令。律政司司長須在初步會議前不少於 21 日，將會議日期、時間及地點的通知，發給要求覆核的人及所有獲送達覆核通知副本的人，而任何擬在會上向委員會提出任何申請的人，

Inspector, be served on the Secretary for Justice, and the person requesting the review shall then or as soon as possible thereafter inform the Secretary for Justice whether or not he proposes to be represented at the hearing of the review and of the name and address of the solicitor, if any, acting for him, or of any other person who will be representing him at the review. *(L.N. 362 of 1997)*

(4) A copy of the notice of review shall also be served by the person requesting the review on all other persons on whom the Inspector-in-charge has served a notice under regulation 11(1) or (1A), and for this purpose the person requesting the review may require the Inspector-in-charge to furnish him with the names and addresses of those persons.

(L.N. 115 of 2017)

[cf. S.I. 1983/551 r. 12 U.K.]

13. Appointment of board of review

(1) Where a notice of review in accordance with regulation 12 has been served the Chief Inspector shall inform the Chief Executive who shall thereupon appoint a board of review which shall consist of— *(36 of 1999 s. 3; L.N. 115 of 2017)*

(a) a magistrate, a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87), or a barrister or solicitor of not less than 5 years' practice, who shall be the chairman of the board; and

(b) one or more assessors, each of whom shall possess aeronautical or aeronautical engineering qualifications or some other special skill or knowledge which is relevant to the conduct of the review.

(2) Before the hearing of the review the board shall hold a preliminary meeting at which any directions may be given or any preliminary interlocutory order as to the procedure

須就此向律政司司長發出通知。 *(2024 年第 164 號法律公告及 2025 年第 84 號法律公告)*

(3) 律政司司長須在覆核聆訊前不少於 21 日，將聆訊日期、時間及地點的通知，送達要求覆核的人，及所有其他獲根據第 11(1) 或 (1A) 條送達通知的人。 *(2017 年第 115 號法律公告；2024 年第 164 號法律公告及 2025 年第 84 號法律公告)*

(4) 聆訊須公開進行，除非委員會為維護公正或符合公眾利益而就整項覆核或其中部分，決定聆訊須以非公開形式進行：

但委員會決定聆訊或部分聆訊以非公開形式進行，並不阻止主事調查主任出席聆訊。 *(2017 年第 115 號法律公告)*

(5) 委員會須由律政司司長或律政司司長所委託的大律師協助。律政司司長或該名大律師須提交委員會所要求的任何證據，並可訊問任何在覆核聆訊中提供證據的證人；總調查主任則須在其權力範圍內向委員會提供協助。

(1997 年第 362 號法律公告)

[比照 S.I. 1983/551 r. 13 U.K.]

14. 覆核委員會的聆訊程序

(1) 要求覆核的人須向委員會作出陳詞，並有權利提供證據、交出證人和訊問在覆核聆訊中提供證據的任何其他證人。主事調查主任有權向委員會作出陳詞。 *(2017 年第 115 號法律公告)*

(2) 委員會認為可能直接受覆核影響的任何人，可獲批予許可出席聆訊，以及提供證據、交出證人和訊問在覆核聆

may be made. Not less than 21 days' notice of the date, time and place of the preliminary meeting shall be given by the Secretary for Justice to the person requesting the review and all persons on whom a copy of the notice of review has been served and any person intending to make any application to the board at the meeting shall give notice thereof to the Secretary for Justice.

(3) The Secretary for Justice shall serve on the person requesting the review and all other persons on whom a notice has been served under regulation 11(1) or (1A) not less than 21 days' notice of the date, time and place of the hearing of the review.

(4) The hearing shall be in public unless the board determines, in relation to the whole or part of the review, that it is to be held in private in the interests of justice or in the public interest:

Provided that a decision by the board that the hearing, or part of it, shall be held in private shall not preclude the Inspector-in-charge from being present at the hearing.

(5) The board shall be assisted by the Secretary for Justice, or by Counsel instructed by him, who shall present any evidence required by the board and may examine any witnesses giving evidence at the review; the Chief Inspector shall render such assistance to the board as is in his power.

(L.N. 362 of 1997; L.N. 115 of 2017)

[cf. S.I. 1983/551 r. 13 U.K.]

14. Proceedings of board of review

(1) The person requesting the review shall be heard by the board and shall have the right to give evidence, produce witnesses and examine any other witnesses giving evidence at the review. The Inspector-in-charge shall be entitled to be heard by the board. *(L.N. 115 of 2017)*

訊中提供證據的任何其他證人。任何要求批予該等許可的申請，可在初步會議中向委員會提出。

(3) 在委員會任何聆訊程序中，要求覆核的人及根據第 (2) 款獲批予許可而出席覆核聆訊的任何其他人，可親身出席或由獲他授權代表他的任何其他人代表出席。

(4) 委員會具有調查主任根據本規例具有的所有權力，此外亦可為任何證人監誓，或准許證人按照《宣誓及聲明條例》(第 11 章) 作出非宗教式宣誓代替宗教式宣誓。

(5) (a) 如在覆核聆訊中有新的和重要的證據，而該等證據並未在調查中提供，則委員會可應總調查主任的申請，中止覆核，而總調查主任須隨即安排重新進行調查。

(b) 如在覆核期間任何時間，委員會信納調查報告中任何調查結果及結論對獲送達覆核通知的人的聲譽並無不利影響，委員會可中止就該等調查結果及結論進行的覆核。

(c) 如根據本款完全中止覆核，則無須根據第 (9) 款向行政長官作出報告。*(1999 年第 36 號第 3 條；2017 年第 115 號法律公告)*

(6) 每名被委員會傳召作為證人的人，須獲准予由總調查主任經運輸及物流局局長贊同而釐定的開支。*(1997 年第 362 號法律公告；2004 年第 125 號法律公告；2007 年第 130 號法律公告；2017 年第 115 號法律公告；2022 年第 144 號法律公告)*

(7) 委員會如認為適合，可命令出席覆核研訊的人或由他人代表出席覆核研訊的人，就委員會的費用繳付該命令所指明的合理款項。

(8) 任何因根據第 (7) 款作出的命令而須繳付的款項，均可予以追討，其方式與追討高等法院判決所命令繳付債項的方式相同。*(1998 年第 25 號第 2 條)*

(2) Any person who in the opinion of the board may be directly affected by the review may be granted leave to appear and to give evidence, produce witnesses and examine any other witnesses giving evidence at the review. Any application for such leave may be made to the board at the preliminary meeting.

(3) In any proceedings of the board the person requesting the review and any other person appearing pursuant to leave granted under paragraph (2) may appear in person or be represented by any other person whom he may have authorized to represent him.

(4) The board shall have all the powers of an Inspector under these regulations and, in addition, may administer an oath to any witness or permit the witness to make an affirmation in place thereof in accordance with the Oaths and Declarations Ordinance (Cap. 11).

(5) (a) Where new and important evidence is given at the review, which was not given at the investigation, the board may, on an application by the Chief Inspector, discontinue the review, and the Chief Inspector shall thereupon cause the investigation to be reopened.

(b) Where at any time during the review the board is satisfied that any of the findings and conclusions in the investigation report do not adversely affect the reputation of the person in respect of whom the notice of review was served, the board may discontinue the review in respect of those findings and conclusions.

(c) Where a review is totally discontinued under this paragraph no report shall be made to the Chief Executive under paragraph (9). *(36 of 1999 s. 3; L.N. 115 of 2017)*

(6) Every person summoned by the board as a witness shall be allowed such expenses as the Chief Inspector, with the

(9) 在完成覆核後，委員會須向行政長官作出報告，載列聆訊程序的摘要，並確認或反對主事調查主任所提交的全部或部分調查結果及結論，即覆核的標的，連同確認或反對的理由。委員會亦須向所有到委員會席前或由他人代表到委員會席前的人，送達該報告的副本。 *(1999 年第 36 號第 3 條；2003 年第 14 號第 24 條；2017 年第 115 號法律公告)*

[比照 S.I. 1983/551 r. 14 U.K.]

15. 報告的發表

除非行政長官認為有好的相反理由，否則行政長官須以他認為適合的方式，安排將調查報告全部或部分公布，及如有覆核委員會進行覆核，安排將委員會的報告全部或部分公布：*(1999 年第 36 號第 3 條；2017 年第 115 號法律公告)*

但 ——

(a) 如屬已根據第 11(1) 或 (1A) 條送達通知的情況，則不得在根據第 12(1) 條送達覆核通知的期限屆滿前，發表調查報告；及

concurrence of the Secretary for Transport and Logistics, determines. *(L.N. 125 of 2004; L.N. 130 of 2007; L.N. 115 of 2017; L.N. 144 of 2022)*

(7) The board may, if it thinks fit, order a person who appears or is represented at the review to pay in respect of the board's costs such reasonable sum as may be specified in the order.

(8) Any sum payable by virtue of an order under paragraph (7) may be recovered in like manner as payment of a debt ordered to be paid by a judgment of the High Court. *(25 of 1998 s. 2)*

(9) Upon completion of the review, the board shall make a report to the Chief Executive containing a summary of the proceedings at the hearing and either confirming or rejecting in whole or in part those findings and conclusions of the Inspector-in-charge which were the subject of the review, together with its reasons therefor. The board shall also serve a copy of the report on all persons who appeared or were represented before the board. *(36 of 1999 s. 3; L.N. 115 of 2017)*

[cf. S.I. 1983/551 r. 14 U.K.]

15. Publication of reports

The Chief Executive shall, unless in his opinion there are good reasons to the contrary, cause the investigation report and, where a board of review has been held, the report of the board, to be made public wholly or in part in such manner as he thinks fit: *(36 of 1999 s. 3 ; L.N. 115 of 2017)*

Provided that—

(a) in any case where notice has been served under regulation 11(1) or (1A), the investigation report shall not be published before the expiry of the time for service of a notice of review under regulation 12(1); and

(b) 除非根據第 14(5) 條完全中止覆核，否則如屬覆核委員會進行覆核的情況，則不得發表調查報告，直至委員會根據第 14(9) 條向他作出報告為止。

(2017 年第 115 號法律公告)

[比照 S.I. 1983/551 r. 15 U.K.]

16. 重新進行調查或覆核

(1) 如任何調查未曾是覆核的標的，則總調查主任可安排重新進行調查，如屬覆核的情況，則行政長官可指示覆核須重新聆訊，在兩種情況下，均可全面或就其中任何部分重新進行，而在下列情況下，總調查主任或行政長官 (視屬何情況而定) 須作出上述行動 —— *(2017 年第 115 號法律公告)*

(a) 在完成調查或覆核後發現新的和重要的證據；或

(b) 基於任何其他原因他認為有理由懷疑出現不公正的情況。

(2) 如行政長官指示任何覆核須重新聆訊，他可指示覆核由最初進行聆訊的委員會重新聆訊，或委任另一委員會主持重新聆訊。

(3) 任何重新進行的調查或重新聆訊的覆核，均受本規例中有關調查或對調查的覆核 (視屬何情況而定) 的條文所規限，並須按照該等條文進行。 *(2017 年第 115 號法律公告)*

(1999 年第 36 號第 3 條)

[比照 S.I. 1983/551 r. 16 U.K.]

(b) save where a review is totally discontinued under regulation 14(5), in any case where a board of review is held, the investigation report shall not be published until the board has made a report to him under regulation 14(9).

(L.N. 115 of 2017)

[cf. S.I. 1983/551 r. 15 U.K.]

16. Reopening of investigation or review

(1) In the case of any investigation which has not been the subject of a review, the Chief Inspector may cause the investigation to be reopened, and in the case of a review the Chief Executive may direct the review to be reheard, in both cases either generally or as to any part thereof, and the Chief Inspector or the Chief Executive, as the case may be, shall do so— *(L.N. 115 of 2017)*

(a) if after the completion of the investigation or the review new and important evidence has been discovered; or

(b) if for any other reason there is in his opinion ground for suspecting that a miscarriage of justice has occurred.

(2) If the Chief Executive directs any review to be reheard, he may direct that the review shall be reheard either by the board by whom it was heard in the first instance or by some other board appointed by him to hold the rehearing.

(3) Any investigation reopened or review reheard shall be subject to and conducted in accordance with the provisions of these regulations relating to an investigation or review thereof as the case may be. *(L.N. 115 of 2017)*

(36 of 1999 s. 3)

[cf. S.I. 1983/551 r. 16 U.K.]

第 IV 部

公開研訊

(格式變更 ——2018 年第 5 號編輯修訂紀錄)

17. 公開研訊的進行

(1) 如行政長官覺得，就意外或事故發生的情況及原因進行公開聆訊，或就某項關乎避免發生意外或事故的特定事宜進行公開研訊，屬符合公眾利益之舉，行政長官可為該目的而委出一個研訊委員會。 *(2017 年第 115 號法律公告；2024 年第 164 號法律公告)*

(1A) 如行政長官根據第 (1) 款，委出研訊委員會，任何對有關意外或事故或有關事宜進行的調查，即須中止，但為了提供第 (3) 款所規定的協助則除外。 *(2017 年第 115 號法律公告)*

(2) 研訊委員會由以下人士組成 ——

(a) 一名區域法院法官或裁判官；及 *(1998 年第 25 號第 2 條)*

(b) 不少於 2 名裁判委員，而每名裁判委員均須有航空學或航空工程學資格，或有與研訊的進行有關的其他特別技能或知識。

(3) 凡行政長官已根據本條委任一個研訊委員會，他須將個案發還律政司司長處理，以後由律政司司長預備和提出該案；總調查主任須應要求在其權力範圍內向研訊委員會及律政司司長提供協助。 *(1997 年第 362 號法律公告；1999 年第 36 號第 3 條)*

(4) 凡已命令進行公開研訊，律政司司長須安排將研訊的日期、時間、地點及性質的通知，送達機主、經營人、租用人及機長，以及他認為應獲送達該通知的任何其他人。 *(1997 年第 362 號法律公告；2017 年第 115 號法律公告)*

Part IV

Public Inquiries

(Format changes—E.R. 5 of 2018)

17. Holding of public inquires

(1) If it appears to the Chief Executive that it is in the public interest to hold a public inquiry into the circumstances and causes of an accident or incident, or into any particular matter relating to the prevention of accidents or incidents, the Chief Executive may appoint a commission of inquiry for the purpose. *(L.N. 115 of 2017)*

(1A) If a commission is appointed under paragraph (1), any investigation into the accident or incident, or into the particular matter, must be discontinued except for rendering assistance required under paragraph (3). *(L.N. 115 of 2017)*

(2) The commission shall consist of—

(a) a District Judge or magistrate; and

(b) not less than 2 assessors, each of whom shall possess an aeronautical or aeronautical engineering qualification or some other special skill or knowledge which is relevant to the conduct of the inquiry.

(3) Where the Chief Executive has appointed a commission of inquiry under this regulation, he shall remit the case to the Secretary for Justice, and thereafter the preparation and presentation of the case shall be conducted by the Secretary for Justice; the Chief Inspector shall, on being required so to do, render such assistance to the commission and to the Secretary for Justice as is in his power. *(L.N. 362 of 1997; 36 of 1999 s. 3)*

(5) 律政司司長、機主、經營人、租用人、機長及根據第 (4) 款獲送達通知的任何其他人，均須當作為研訊程序的各方。 *(1997 年第 362 號法律公告)*

(6) 任何其他人可藉研訊委員會的許可而出席研訊，而任何獲許可出席研訊的人即成為研訊程序的其中一方。任何要求批予該等許可的申請，可在根據第 (7) 款舉行的初步會議中向研訊委員會提出。

(7) 研訊委員會可在指定進行研訊的日期前任何時間舉行初步會議，會上可發出任何指示或就程序作出任何初步或非正審命令。律政司司長須將初步會議的日期、時間及地點的通知，發給研訊程序的各方及任何已通知律政司司長他擬向研訊委員會申請出席許可的人。任何擬在會上向研訊委員會提出申請的人，須就此向律政司司長發出通知。 *(1997 年第 362 號法律公告)*

(8) 為進行研訊，研訊委員會具有裁判官的所有權力，而在不損害該等權力的原則下，研訊委員會可 ——

(a) 進入和視察或授權任何人進入和視察研訊委員會覺得為進行研訊而需要進入和視察的任何地方、建築物或飛機；

(b) 藉發出傳票要求研訊委員會認為適合傳召和訊問的所有人出席為證人，以及要求他們回答研訊委員會認為有關的任何問題，提供研訊委員會認為有關的任何資料或交出研訊委員會認為有關的任何簿冊、文據、文件及物品；

(c) 為任何證人監誓，或准許證人按照《宣誓及聲明條例》(第 11 章) 作出非宗教式宣誓代替宗教式宣誓。

裁判委員具有與研訊委員會相同的進入和視察的權力。

(9) 如獲研訊委員會准許，誓章及法定聲明可在聆訊中用作證據。

(4) When a public inquiry has been ordered, the Secretary for Justice shall cause a notice of the date, time and place and the nature of the inquiry to be served upon the owner, operator, hirer and pilot in command and on any other person who in his opinion ought to be served with such notice. *(L.N. 362 of 1997; L.N. 115 of 2017)*

(5) The Secretary for Justice, the owner, the operator, the hirer, the pilot in command and any other person upon whom a notice of inquiry has been served under paragraph (4), shall be deemed to be parties to the proceedings. *(L.N. 362 of 1997; L.N. 115 of 2017)*

(6) Any other person may by leave of the commission appear, and any person who obtains leave to appear shall thereupon become a party to the proceedings. Any application for such leave may be made to the commission at a preliminary meeting under paragraph (7).

(7) At any time before the date appointed for holding the inquiry, the commission may hold a preliminary meeting at which any directions may be given or any preliminary or interlocutory order as to the procedure may be made. Notice of the date, time and place of the preliminary meeting shall be given by the Secretary for Justice to the parties to the proceedings and to any other person who has notified the Secretary for Justice that he intends to apply to the commission for leave to appear. Any person intending to make an application to the commission at the meeting shall give notice thereof to the Secretary for Justice. *(L.N. 362 of 1997)*

(8) The commission shall have, for the purposes of the inquiry, all the powers of a magistrate, and without prejudice to those powers, the commission may—

(a) enter and inspect, or authorize any person to enter and inspect, any place, building or aircraft the entry or

(10) 在指定進行研訊的時間及地點，不論獲送達研訊通知或獲許可出席研訊的各方，或其中任何一方是否在場，研訊委員會均可展開研訊。

(11) 研訊委員會須公開進行研訊，除非研訊委員會為維護公正或符合公眾利益而就證據的任何部分或與此有關的任何辯論，指示研訊須以非公開形式進行。

(12) 曾對研訊所關乎的意外或事故進行調查，或在調查根據第 (1A) 款中止前正在對該意外或事故進行調查的總調查主任或調查主任，有權出席研訊委員會以非公開形式進行的任何研訊程序。 *(2017 年第 115 號法律公告)*

[比照 S.I. 1983/551 r. 17 U.K.]

inspection whereof appears to the commission to be requisite for the purposes of the inquiry;

(b) by summons require the attendance as witnesses of all such persons as the commission thinks fit to call and examine, and require such persons to answer any question or furnish any information or produce any books, papers, documents and articles which the commission may consider relevant;

(c) administer an oath to any such witness or permit the witness to make an affirmation in place thereof in accordance with the Oaths and Declarations Ordinance (Cap. 11).

The assessors shall have the same power of entry and inspection as the commission.

(9) Affidavits and statutory declarations may, by permission of the commission, be used as evidence at the hearing.

(10) At the time and place appointed for holding the inquiry the commission may proceed with the inquiry whether the parties, upon whom a notice of inquiry has been served or who have obtained leave to appear, or any of them, are present or not.

(11) The commission shall hold the inquiry in public save to the extent to which the commission directs, in relation to any part of the evidence or any argument relating thereto, that the inquiry be held in private in the interest of justice or in the public interest.

(12) The Chief Inspector or an Inspector who carried out or, before its discontinuance under paragraph (1A), was carrying out an investigation into the accident or incident to which the inquiry relates shall be entitled to be present at any proceedings of the commission held in private. *(L.N. 115 of 2017)*

[cf. S.I. 1983/551 r. 17 U.K.]

18. 公開研訊的程序

(1) 研訊的程序首先由律政司司長或其代表作出開始研訊時的陳詞，然後由研訊委員會酌情決定由其他各方或各方的代表作出簡短的陳詞，繼而由律政司司長代表交出和訊問證人。該等證人接受律政司司長代表訊問後，可由其他各方按研訊委員會指示的次序加以盤問，其後可再由律政司司長代表覆問。 *(1997 年第 362 號法律公告)*

(2) 對律政司司長代表所交出的證人的訊問完結後，研訊委員會開始聆聽研訊程序其他各方的陳詞。研訊程序的每一方均有權向研訊委員會陳詞和交出證人，或再傳召任何已接受訊問的證人作進一步訊問，以及一般地援引證據。各方的陳詞，以及其證人的訊問、盤問及覆問，須按研訊委員會指示的次序進行。律政司司長代表亦可進一步交出和訊問其他證人，而該等證人可接受各方盤問和律政司司長代表覆問。 *(1997 年第 362 號法律公告)*

(3) 當提供證據的整個過程完結後，任何一方如欲就證據向研訊委員會陳詞，即可作出陳詞，而律政司司長代表亦可就整個個案作出回應，向研訊委員會作出陳詞。 *(1997 年第 362 號法律公告)*

(4) 研訊委員會可隨時隨地押後研訊，如研訊任何一方要求押後研訊，研訊委員會可就繳付費用或其他事宜施加其認為公正的條款，作為批予押後研訊的條件。

(5) 在研訊完畢後，研訊委員會須向行政長官作出報告，述明關乎意外或事故的事實，以及研訊委員會對意外或事故的原因或各項原因或就轉介研訊委員會的某項事宜的意見，並加上研訊委員會認為適合作出以期能保障生命和避免發生意外或事故的任何建議。 *(1999 年第 36 號第 3 條；2017 年第 115 號法律公告；2024 年第 164 號法律公告)*

(6) 每名裁判委員須有保留或毫無保留地簽署上述報告，或以書面述明他不同意報告之處及不同意的理由，該等有

18. Proceedings of public inquires

(1) The proceedings on the inquiry shall commence with an opening speech by or on behalf of the Secretary for Justice, followed at the discretion of the commission with brief speeches by or on behalf of the other parties. The proceedings shall continue with the production and examination of witnesses on behalf of the Secretary for Justice. These witnesses, after being examined on behalf of the Secretary for Justice, may be cross-examined by the parties in such order as the commission may direct, and may then be re-examined on behalf of the Secretary for Justice. *(L.N. 362 of 1997)*

(2) When the examination of the witnesses produced on behalf of the Secretary for Justice has been concluded, the commission shall proceed to hear the other parties to the proceedings. Each party to the proceedings shall be entitled to address the commission and produce witnesses or recall any of the witnesses who have already been examined for further examination and generally adduce evidence. The parties shall be heard and their witnesses examined, cross-examined and re-examined in such order as the commission shall direct. Further witnesses may also be produced and examined on behalf of the Secretary for Justice and may be cross-examined by the parties and re-examined on behalf of the Secretary for Justice. *(L.N. 362 of 1997)*

(3) When the whole of the evidence has been concluded any of the parties who desires so to do may address the commission upon the evidence and the commission may be addressed in reply upon the whole case on behalf of the Secretary for Justice. *(L.N. 362 of 1997)*

(4) The commission may adjourn the inquiry from time to time and from place to place, and where an adjournment is asked for by any party to the inquiry the commission may impose

保留之處或不同意之處及理由，須連同報告遞送行政長官。除非行政長官認為有好的相反理由，否則行政長官須以他認為適合的方式，安排將報告及有保留之處或不同意之處及理由全部或部分公布。*(1999 年第 36 號第 3 條)*

(7) 每名以證人身分到研訊委員會席前的人，須獲准予到高等法院席前的證人所獲准予的開支，如對准予數額發生爭議，則須將爭議轉介高等法院司法常務官，由他應研訊委員會主席簽署提出的要求，確定和核證開支的恰當數額： *(1998 年第 25 號第 2 條)*

但如證人是研訊程序的任何一方或其所僱用的人，而研訊委員會酌情決定作出指示，則可不准予任何該等開支。

[比照 S.I. 1983/551 r. 18 U.K.]

such terms as to payment of costs or otherwise as it may think just as a condition of granting the adjournment.

(5) Upon completion of the inquiry, the commission shall make a report to the Chief Executive stating the facts relating to the accident or incident and the opinion of the commission touching the cause or causes of the accident or incident or on the particular matter referred to the commission and adding any recommendations which the commission thinks fit to make with a view to the preservation of life and the prevention of accidents or incidents. *(36 of 1999 s. 3; L.N. 115 of 2017)*

(6) Each assessor shall either sign the report with or without reservations, or state in writing his dissent therefrom and his reasons for any such dissent, and such reservations or dissent and reasons shall be forwarded to the Chief Executive with the report. The Chief Executive shall, unless in his opinion there are good reasons to the contrary, cause any such report and reservations or dissent and reasons to be made public wholly or in part in such manner as he thinks fit. *(36 of 1999 s. 3)*

(7) Every person attending as a witness before the commission shall be allowed such expenses as would be allowed to a witness attending before the High Court, and in case of dispute as to the amount to be allowed, the same shall be referred to the Registrar of the High Court who on request signed by the chairman to the commission shall ascertain and certify the proper amount of the expenses: *(25 of 1998 s. 2)*

Provided that in the case of any party to the proceedings or of any person in the employment of such a party, any such expenses may be disallowed if the commission in its discretion so directs.

[cf. S.I. 1983/551 r. 18 U.K.]

18A. 締約國可委任授權代表參與公開研訊

(1) 第 (2) 款描述的締約國可基於某人的資格，委任該人為授權代表，以參與某意外或事故的公開研訊。

(2) 有關締約國 ——

(a) 是上述意外或事故所涉及的飛機的 ——

(i) 註冊國；

(ii) 經營人所在國；

(iii) 設計國；或

(iv) 製造國；或

(b) 已應研訊委員會的要求，向其提供任何資料、設施或專家。

(2024 年第 164 號法律公告)

18B. 根據第 18A(1) 條獲委任的授權代表的權利及義務

(1) 除第 (2) 款另有規定外，根據第 18A(1) 條獲委任的授權代表可在研訊委員會的管控下，參與某意外或事故的公開研訊的所有方面，尤其可 ——

(a) 查看有關意外或事故的現場；

(b) 檢查殘骸；

(c) 取得目擊者資料，以及建議提問範圍；

(d) 在可能範圍內，盡快全面取得所有相關證據；

(e) 收取所有相關文件的複本；

(f) 參與記錄工具的判讀；

18A. Contracting States may appoint accredited representatives to participate in public inquiries

(1) A Contracting State described in paragraph (2) may appoint an accredited representative on the basis of the qualifications of the person to be appointed to participate in a public inquiry of an accident or incident.

(2) The Contracting State—

(a) is—

(i) the State of Registry;

(ii) the State of the Operator;

(iii) the State of Design; or

(iv) the State of Manufacture,

of the aircraft involved in the accident or incident; or

(b) has, on request of the commission, provided any information, facilities or experts to the commission.

(L.N. 164 of 2024)

18B. Rights and obligations of accredited representatives appointed under regulation 18A(1)

(1) Subject to paragraph (2), an accredited representative appointed under regulation 18A(1) may, under the control of the commission, participate in all aspects of a public inquiry into an accident or incident and may in particular—

(a) visit the scene of the accident or incident;

(b) examine any wreckage;

(c) obtain witness information and suggest areas of questioning;

(g) 參與現場以外的調查活動，例如部件檢查、技術簡介、測試及模擬；

(h) 參與公開研訊進度會議，包括關於分析、調查結果、原因、促成因素及安全建議的商議；及

(i) 就有關公開研訊的各個方面提交意見。

(2) 如授權代表是由屬第 18A(2)(b) 條所指的締約國委任的，而該締約國已就某些事宜提供資料、設施或專家，則研訊委員會可將該授權代表在有關公開研訊中的參與，限制於該等事宜。

(3) 有關授權代表 ——

(a) 須將其本人管有或控制的、關乎有關意外或事故的一切資料，提供予研訊委員會；及

(b) 如未經研訊委員會明確同意，不得透露有關公開研訊的進度及結果的資料。

(2024 年第 164 號法律公告)

18C. 委任顧問以協助根據第 18A(1) 條獲委任的授權代表

(1) 屬第 18A(2) 條所指的締約國，可基於一名或多於一名人士的資格，委任他們為顧問，以協助由該締約國根據第

(d) have full access to all relevant evidence as soon as possible;

(e) receive copies of all pertinent documents;

(f) participate in read-outs of recorded media;

(g) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;

(h) participate in progress meetings of the public inquiry, including deliberations relating to any analysis, findings, causes, contributing factors and safety recommendations; and

(i) make submissions in respect of various aspects of the public inquiry.

(2) If the accredited representative is appointed by a Contracting State that falls within regulation 18A(2)(b), the commission may limit the accredited representative's participation in the public inquiry to the matters in respect of which the Contracting State has provided information, facilities or experts.

(3) The accredited representative—

(a) is to provide to the commission all information relating to the accident or incident concerned in his or her possession or control; and

(b) is not to divulge information on the progress and the findings of the public inquiry without the express consent of the commission.

(L.N. 164 of 2024)

18C. Appointment of advisers to assist accredited representatives appointed under regulation 18A(1)

(1) A Contracting State that falls within regulation 18A(2) may

18A(1) 條委任的授權代表。

(2) 上述顧問須在有關授權代表的監督下，在為使該授權代表能有效參與有關公開研訊所需的範圍內，參與該公開研訊。

(3) 上述顧問 ——

(a) 須將其本人管有或控制的、關乎有關意外或事故的一切資料，提供予研訊委員會；及

(b) 如未經研訊委員會明確同意，不得透露有關公開研訊的進度及結果的資料。

(2024 年第 164 號法律公告)

19. 重新聆訊公開研訊

(1) 如屬已進行公開研訊的情況，行政長官可指示研訊須全面或就其中任何部分重新聆訊，而在下列情況下，行政長官須作出如此指示 ——

(a) 在研訊完畢後發現新的和重要的證據；或

(b) 基於任何其他原因他認為有理由懷疑出現不公正的情況。

(2) 如行政長官指示任何研訊須重新聆訊，他可指示研訊由最初進行聆訊的研訊委員會重新聆訊，或委任其他合資格的人主持重新聆訊。

(3) 任何重新聆訊的研訊，受本規例中有關進行公開研訊的條文所規限，並須按照該等條文進行。

(1999 年第 36 號第 3 條)

appoint one or more advisers on the basis of the qualifications of each of the persons to be appointed to assist an accredited representative appointed by the Contracting State under regulation 18A(1).

(2) The adviser is to participate in the public inquiry under the supervision of the accredited representative to the extent that is necessary to enable the effective participation of the accredited representative in the public inquiry.

(3) The adviser—

(a) is to provide to the commission all information relating to the accident or incident concerned in his or her possession or control; and

(b) is not to divulge information on the progress and the findings of the public inquiry without the express consent of the commission.

(L.N. 164 of 2024)

19. Rehearing of public inquiries

(1) The Chief Executive may, in any case where a public inquiry has been held, direct the inquiry to be reheard either generally or as to any part thereof and shall do so—

(a) if after the completion of the inquiry new and important evidence has been discovered; or

(b) if for any other reason there is in his opinion ground for suspecting that a miscarriage of justice has occurred.

(2) If the Chief Executive directs any inquiry to be reheard, he may direct that the inquiry shall be reheard either by the commission by whom it was heard in the first instance or by some other qualified persons appointed by him to hold the rehearing.

[比照 S.I. 1983/551 r. 19 U.K.]

(3) Any inquiry reheard shall be subject to and conducted in accordance with the provisions of these regulations relating to the holding of public inquiries.

(36 of 1999 s. 3)

[cf. S.I. 1983/551 r. 19 U.K.]

第 IVA 部

總調查主任參與外地調查的權利，以及在某些有人死亡或嚴重損傷的意外方面的權利

(第 IVA 部由 2024 年第 164 號法律公告增補)

19A. 第 IVA 部的釋義

在本部中 ——

外地意外或事故 (non-Hong Kong accident or incident) 指本部根據第 3(3) 條適用的意外或事故；

外地調查 (non-Hong Kong investigation) 指由某外地調查當局對外地意外或事故進行的調查；

外地調查當局 (AIA (non-HK)) 指由締約國指定的意外調查當局。

19B. 總調查主任可委任授權代表參與外地調查

(1) 在第 (2) 款指明的情況下，總調查主任可基於某人的資格，委任該人為授權代表，以參與某項外地調查。

(2) 有關情況是 ——

(a) 香港是有關外地意外或事故所涉及的飛機的 ——

(i) 註冊國；

(ii) 經營人所在國；

(iii) 設計國；或

(iv) 製造國；或

Part IVA

Rights of Chief Inspector to Participate in Non-Hong Kong Investigations and in respect of Certain Accidents with Fatalities or Serious Injuries

(Part IVA added L.N. 164 of 2024)

19A. Interpretation of Part IVA

In this Part—

AIA (non-HK) (外地調查當局) means an accident investigation authority designated by a Contracting State;

non-Hong Kong accident or incident (外地意外或事故) means an accident or incident to which this Part applies under regulation 3(3);

non-Hong Kong investigation (外地調查) means an investigation carried out by an AIA (non-HK) into a non-Hong Kong accident or incident.

19B. Chief Inspector may appoint accredited representatives to participate in non-Hong Kong investigations

(1) In the case specified in paragraph (2), the Chief Inspector may appoint an accredited representative on the basis of the qualifications of the person to be appointed to participate in a non-Hong Kong investigation.

(2) The case is—

(a) Hong Kong is—

(i) the State of Registry;

(ii) the State of the Operator;

(iii) the State of Design; or

(b) 香港已應某外地調查當局的要求，向其提供任何資料、設施或專家。

19C. 總調查主任委任的授權代表的權利及義務

(1) 除第 (2) 款另有規定外，根據第 19B(1) 條獲委任的授權代表可在某外地調查當局的管控下，參與某外地調查的所有方面，尤其可 ——

(a) 查看有關外地意外或事故的現場；

(b) 檢查殘骸；

(c) 取得目擊者資料，以及建議提問範圍；

(d) 在可能範圍內，盡快全面取得所有相關證據；

(e) 收取所有相關文件的複本；

(f) 參與記錄工具的判讀；

(g) 參與現場以外的調查活動，例如部件檢查、技術簡介、測試及模擬；

(h) 參與調查進度會議，包括關於分析、調查結果、原因、促成因素及安全建議的商議；及

(i) 就有關外地調查的各個方面提交意見。

(2) 如某授權代表是在第 19B(2)(b) 條指明的情況下獲委任的，而香港已就某些事宜提供資料、設施或專家，則該授權代表須受有關外地調查當局的以下權力所規限：將該授權代表在有關外地調查中的參與，限制於該等事宜。

(3) 有關授權代表 ——

(a) 須將其本人管有或控制的、關乎有關外地意外或事故的一切資料，提供予有關外地調查當局；及

(iv) the State of Manufacture,

of the aircraft involved in the non-Hong Kong accident or incident; or

(b) Hong Kong has, on request of an AIA (non-HK), provided any information, facilities or experts to the AIA (non-HK).

19C. Rights and obligations of accredited representatives appointed by Chief Inspector

(1) Subject to paragraph (2), an accredited representative appointed under regulation 19B(1) may, under the control of an AIA (non-HK), participate in all aspects of a non-Hong Kong investigation and may in particular—

(a) visit the scene of the non-Hong Kong accident or incident;

(b) examine any wreckage;

(c) obtain witness information and suggest areas of questioning;

(d) have full access to all relevant evidence as soon as possible;

(e) receive copies of all pertinent documents;

(f) participate in read-outs of recorded media;

(g) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;

(h) participate in progress meetings of the investigation, including deliberations relating to any analysis, findings, causes, contributing factors and safety recommendations; and

(b) 如未經該外地調查當局明確同意，不得透露有關外地調查的進度及結果的資料。

19D. 總調查主任委任顧問

(1) 在第 19B(2) 條指明的情況下，總調查主任可基於一名或多於一名人士的資格，委任他們為顧問，以協助根據第 19B(1) 條獲委任的授權代表。

(2) 上述顧問須在有關授權代表的監督下，在為使該授權代表能有效參與有關外地調查所需的範圍內，參與該項調查。

(3) 上述顧問 ——

(a) 須將其本人管有或控制的、關乎有關外地意外或事故的一切資料，提供予有關外地調查當局；及

(b) 如未經該外地調查當局明確同意，不得透露有關外地調查的進度及結果的資料。

(i) make submissions in respect of various aspects of the non-Hong Kong investigation.

(2) An accredited representative appointed in the case specified in regulation 19B(2)(b) is subject to the AIA (non-HK)'s power to limit the accredited representative's participation in the non-Hong Kong investigation to the matters in respect of which Hong Kong has provided information, facilities or experts.

(3) The accredited representative—

(a) is to provide to the AIA (non-HK) all information relating to the non-Hong Kong accident or incident concerned in his or her possession or control; and

(b) is not to divulge information on the progress and the findings of the non-Hong Kong investigation without the express consent of the AIA (non-HK).

19D. Appointment of advisers by Chief Inspector

(1) In the case specified in regulation 19B(2), the Chief Inspector may appoint one or more advisers on the basis of the qualifications of each of the persons to be appointed to assist an accredited representative appointed under regulation 19B(1).

(2) The adviser is to participate in a non-HK investigation under the supervision of the accredited representative to the extent that is necessary to enable the effective participation of the accredited representative in the investigation.

(3) The adviser—

(a) is to provide to the AIA (non-HK) all information relating to the non-Hong Kong accident or incident concerned in his or her possession or control; and

19E. 香港就涉及指明人士的外地意外所具有的權利

(1) 如香港因香港居民或中國公民 (***指明人士***) 在某意外 (本部根據第 3(3) 條適用者) 中死亡或嚴重損傷，而對該意外特別關心 ——

(a) 總調查主任可為第 (2) 款指明的目的，委任一名專家；及

(b) 香港可協助 ——

(i) 辨認屬指明人士的遇難者；及

(ii) 與屬指明人士的倖存者會面。

(2) 上述專家可 ——

(a) 查看有關意外的現場；

(b) 接觸 ——

(i) 經有關外地調查當局核准作公開發布的、關乎該意外的事實；及

(ii) 關乎有關外地調查的進度的資料；及

(c) 收取調查報告的副本。

(b) is not to divulge information on the progress and the findings of the non-Hong Kong investigation without the express consent of the AIA (non-HK).

19E. Hong Kong's rights as regards non-Hong Kong accidents involving specified persons

(1) If Hong Kong has a special interest in an accident to which this Part applies under regulation 3(3) due to fatalities or serious injuries to Hong Kong residents or Chinese citizens (***specified persons***)—

(a) the Chief Inspector may appoint an expert for the purposes specified in paragraph (2); and

(b) Hong Kong may assist—

(i) in the identification of the victims; and

(ii) in any meetings with the survivors,

who are specified persons.

(2) The expert may—

(a) visit the scene of the accident concerned;

(b) have access to—

(i) any facts relating to the accident approved for public release by the AIA (non-HK) concerned; and

(ii) any information relating to the progress of the non-Hong Kong investigation; and

(c) receive a copy of the investigation report.

第 V 部

一般規定

(格式變更 ——2018 年第 5 號編輯修訂紀錄)

20. *(由 2024 年第 164 號法律公告廢除)*

21. *(由 2024 年第 164 號法律公告及 2025 年第 84 號法律公告廢除)*

22. 妨礙調查

(1) 任何人不得在無合理辯解的情況下，妨礙或阻止研訊委員會、覆核委員會、總調查主任、調查主任、裁判委員或任何根據行政長官授權行事的人根據本規例行使任何權力或執行任何職責。 *(1999 年第 36 號第 3 條；2024 年第 164 號法律公告)*

(1A) 任何人違反第 (1) 款，即屬犯罪，一經定罪，可處第 2 級罰款及監禁 6 個月。 *(2024 年第 164 號法律公告)*

(1B) 在以下情況下，第 (1A) 款亦適用於在香港以外地方作出的妨礙或阻止行為 ——

(a) 有關權力或職責是就在香港註冊的飛機而行使或執行的；及

(b) 該行為 ——

(i) 由香港永久性居民作出；或

(ii) 由中國公民作出。 *(2024 年第 164 號法律公告)*

(2) 任何人在獲付給根據本規例有權獲得的開支 (如有的話) 後，不得在無合理辯解的情況下，不遵從研訊委員會或覆核委員會的任何傳票規定或要求；凡某調查主任進行調查，或進行任何查訊 (以決定是否根據本規例進行調查為出發點看)，而該調查主任對該人作出任何傳票規定或

Part V

General

(Format changes—E.R. 5 of 2018)

20. *(Repealed L.N. 164 of 2024)*

21. *(Repealed L.N. 164 of 2024 and L.N. 84 of 2025)*

22. Obstruction of investigation

(1) A person must not without reasonable excuse obstruct or impede a commission of inquiry or a board of review or the Chief Inspector or an Inspector or an assessor or any person acting under the authority of the Chief Executive in the exercise or discharge of any powers or duties under these regulations. *(36 of 1999 s. 3; L.N. 164 of 2024)*

(1A) A person who contravenes paragraph (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months. *(L.N. 164 of 2024)*

(1B) Paragraph (1A) also applies to an act of obstruction or impediment committed in a place outside Hong Kong if—

(a) the relevant powers or duties are exercised or discharged in respect of an aircraft registered in Hong Kong; and

(b) the act is done by—

(i) a Hong Kong permanent resident; or

(ii) a Chinese citizen. *(L.N. 164 of 2024)*

(2) A person must not without reasonable excuse fail, after having had the expenses (if any) to which he is entitled under these regulations tendered to him, to comply with any summons or requisition of a commission of inquiry or of a

要求，該人不得在無合理辯解的情況下，不遵從該規定或要求。

(3) 任何人違反第 (2) 款，即屬犯罪，一經定罪，可處第 2 級罰款及監禁 6 個月。 *(2024 年第 164 號法律公告)*

(4) 在以下情況下，第 (3) 款亦適用於某人在香港以外地方沒有遵從就某意外或事故發出的傳票或提出的要求 ——

(a) 有關意外或事故是在香港註冊的飛機遭遇到的；及

(b) 該人是 ——

(i) 香港永久性居民；或

(ii) 中國公民。 *(2024 年第 164 號法律公告)*

(2017 年第 115 號法律公告)

[比照 S.I. 1983/551 r. 22 U.K.]

23. 撤銷

現撤銷《1972 年香港民航 (意外調查) 規例》*(附錄 I L 頁，1972 年編正版)：

但此項撤銷並不影響已根據該規例展開的任何調查、覆核或研訊，而任何該等調查、覆核或研訊可繼續進行，猶如本規例仍未訂立一樣。

編輯附註：

* “《1972 年香港民航 (意外調查) 規例》” 乃 “Hong Kong Civil Aviation (Investigation of Accidents) Regulations 1972” 之譯名。

board of review or of an Inspector holding an investigation or undertaking any inquiries with a view to determining whether any investigation should be held under these regulations. *(L.N. 164 of 2024)*

(3) A person who contravenes paragraph (2) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months. *(L.N. 164 of 2024)*

(4) Paragraph (3) also applies to a person who has failed in a place outside Hong Kong to comply with a summons or requisition issued or made in respect of an accident or incident if—

(a) the accident or incident occurs to an aircraft registered in Hong Kong; and

(b) the person is—

(i) a Hong Kong permanent resident; or

(ii) a Chinese citizen. *(L.N. 164 of 2024)*

(L.N. 115 of 2017)

[cf. S.I. 1983/551 r. 22 U.K.]

23. Revocation

The Hong Kong Civil Aviation (Investigation of Accidents) Regulations 1972 (App. I, p. L, 1972 R. Ed.) are hereby revoked:

Provided that the revocation shall not affect any investigation, review or inquiry commenced under those regulations and any such investigation, review or inquiry may be continued as if these regulations had not been made.

第 VI 部

過渡條文 ——《2017 年香港民航 (意外調查)(修訂) 規例》(2017 年第 115 號法律公告)

(2018 年第 5 號編輯修訂紀錄)

(第 VI 部由 2017 年第 115 號法律公告增補)

24. 未完成程序

(1) 在本條中 ——

* ***生效日期*** (commencement date) 指《修訂規例》的生效日期；

既有程序 (existing procedure) 指符合以下說明的任何調查、覆核、研訊、法律程序或其他程序 ——

(a) 在生效日期前發生的、關乎《修訂前的規例》所界定的意外；及

(b) 在緊接生效日期前，尚未展開或完成；

《修訂前的規例》 (pre-amended regulations) 指在緊接生效日期前有效的本規例；

《修訂規例》 (amending Regulation) 指《2017 年香港民航 (意外調查)(修訂) 規例》(2017 年第 115 號法律公告)；*(2018 年第 5 號編輯修訂紀錄)*

《經修訂的規例》 (amended regulations) 指經《修訂規例》修訂的本規例。

(2) 就既有程序而言，儘管有《釋義及通則條例》(第 1 章) 第 23 條的規定，在生效日期當日或之後 ——

(a) 《經修訂的規例》適用；

(b) 處長不再具有《修訂前的規例》之下的職能或權力；

(c) 總調查主任具有《經修訂的規例》之下的職能及權力；

Part VI

Transitional Provision—Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2017 (L.N. 115 of 2017)

(E.R. 5 of 2018)

(Part VI added L.N. 115 of 2017)

24. Incomplete procedures

(1) In this regulation—

amended regulations (《經修訂的規例》) means these regulations as amended by the amending Regulation;

amending Regulation (《修訂規例》) means the Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2017 (L.N. 115 of 2017); *(E.R. 5 of 2018)*

****commencement date*** (生效日期) means the commencement date of the amending Regulation;

existing procedure (既有程序) means any investigation, review, inquiry, proceeding or other procedure—

(a) that relates to an accident as defined in the pre-amended regulations that occurred before the commencement date; and

(b) that, immediately before the commencement date, has not commenced or is not completed;

pre-amended regulations (《修訂前的規例》) means these regulations as in force immediately before the commencement date.

(d) 在生效日期前，已根據《修訂前的規例》作出的任何事情，均視為已根據《經修訂的規例》作出；及

(e) 在緊接生效日期前正根據《修訂前的規例》作出的任何事情，均可根據《經修訂的規例》繼續作出。

編輯附註：

* 生效日期：2018 年 12 月 3 日。

(2) In relation to an existing procedure, despite section 23 of the Interpretation and General Clauses Ordinance (Cap. 1), on and after the commencement date—

(a) the amended regulations apply;

(b) the Director ceases to have the functions or powers under the pre-amended regulations;

(c) the Chief Inspector has the functions and powers under the amended regulations;

(d) anything done before the commencement date under the pre-amended regulations is regarded as having been done under the amended regulations; and

(e) anything that is in the process of being done immediately before the commencement date under the pre-amended regulations may continue to be done under the amended regulations.

Editorial Note:

* Commencement date: 3 December 2018.

第 VII 部

過渡條文 ——《2024 年香港民航 (意外調查)(修訂) 規例》

(第 VII 部由 2024 年第 164 號法律公告增補)

25. 第 VII 部的釋義

在本部中 ——

《未修訂前的規例》 (pre-amended Regulations) 指在緊接生效日期前有效的本規例；

* ***生效日期*** (commencement date) 指《修訂規例》開始實施的日期；

《修訂規例》 (amending Regulation) 指《2024 年香港民航 (意外調查)(修訂) 規例》(2024 年第 164 號法律公告)；*(2026 年第 1 號編輯修訂紀錄)*

《經修訂的規例》 (amended Regulations) 指經《修訂規例》修訂的本規例。

編輯附註：

* 生效日期：2025 年 7 月 25 日。

26. 《經修訂的規例》第 5 條的適用範圍

凡總調查主任在生效日期前，根據《未修訂前的規例》第 5(3) 條提出任何要求，《經修訂的規例》第 5(3)、(5)、(6)、(7)、(8)、(9) 及 (10) 條不就該要求而適用。

27. 《經修訂的規例》第 11 條的適用範圍

Part VII

Transitional Provisions—Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2024

(Part VII added L.N. 164 of 2024)

25. Interpretation of Part VII

In this Part—

amended Regulations (《經修訂的規例》) means these regulations as amended by the amending Regulation;

amending Regulation (《修訂規例》) means the Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2024 (L.N. 164 of 2024); *(E.R. 1 of 2026)*

****commencement date*** (生效日期) means the date on which the amending Regulation comes into operation;

pre-amended Regulations (《未修訂前的規例》) means these regulations as in force immediately before the commencement date.

Editorial Note:

* Commencement date: 25 July 2025.

26. Application of regulation 5 of amended Regulations

Regulation 5(3), (5), (6), (7), (8), (9) and (10) of the amended Regulations does not apply in relation to any requirement that was made by the Chief Inspector under regulation 5(3) of the pre-amended Regulations before the commencement date.

27. Application of regulation 11 of amended Regulations

(1) 凡有任何通知在生效日期前，根據《未修訂前的規例》第 11(1) 或 (1A) 條送達 (***指明通知***)，《經修訂的規例》第 11(3) 條不就該通知而適用。

(2) 就第 (1) 款而言，《未修訂前的規例》第 11(3) 條繼續就在生效日期前送達的指明通知而適用，猶如《修訂規例》第 12(7) 條不曾制定一樣。

28. 《經修訂的規例》第 22 條的適用範圍

凡有任何傳票或要求 (《未修訂前的規例》第 22(2) 條所述者) 在生效日期前發出或提出，《經修訂的規例》第 22(3) 及 (4) 條不就該傳票或要求而適用。

(1) Regulation 11(3) of the amended Regulations does not apply in relation to any notice that was served under regulation 11(1) or (1A) of the pre-amended Regulations (***specified notice***) before the commencement date.

(2) For the purposes of paragraph (1), regulation 11(3) of the pre-amended Regulations continues to apply in relation to a specified notice served before the commencement date as if regulation 12(7) of the amending Regulation had not been enacted.

28. Application of regulation 22 of amended Regulations

Regulation 22(3) and (4) of the amended Regulations does not apply in relation to any summons or requisition mentioned in regulation 22(2) of the pre-amended Regulations issued or made before the commencement date.